

FIFTY SECOND DAY

MORNING SESSION

Senate Chamber, Olympia
Wednesday, February 28, 2018

The Senate was called to order at 10:08 a.m. by the President Pro Tempore, Senator Keiser presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Miss Annabelle Davidson and Mr. Kyle Tenny, presented the Colors.

Miss Lynne Marie Randall performed the National Anthem.

The prayer was offered by Pastor Mr. Brad Carlson of Yelm Prairie Christian Center. Pastor Carlson is a guest of Senator Becker.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of Senator Short's family were seated in the gallery: Mr. Mitch Short, her husband, and Mr. Wayne and Mrs. Mary Short, her father-in-law and mother-in-law.

MOTION

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

MOTION

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

MESSAGES FROM THE HOUSE

February 27, 2018

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 6027,
SENATE BILL NO. 6073,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6137,
SENATE BILL NO. 6145,
SENATE BILL NO. 6207,
ENGROSSED SENATE BILL NO. 6229,
ENGROSSED SENATE BILL NO. 6230,
SENATE BILL NO. 6278,
SENATE BILL NO. 6311,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6434,
and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:
The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:
The House has passed:

SENATE BILL NO. 6053,

SUBSTITUTE SENATE BILL NO. 6155,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6157,
SUBSTITUTE SENATE BILL NO. 6221,
SUBSTITUTE SENATE BILL NO. 6399,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6550,
SENATE BILL NO. 6580,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:
The House has passed:

HOUSE BILL NO. 2653,
and the same is herewith transmitted.

NONA SNELL, Deputy Chief Clerk

February 27, 2018

MR. PRESIDENT:
The House has passed:

ENGROSSED SENATE BILL NO. 5450,
SENATE BILL NO. 5912,
SUBSTITUTE SENATE BILL NO. 5996,
SUBSTITUTE SENATE BILL NO. 6021,
SENATE BILL NO. 6059,
SENATE BILL NO. 6113,
SENATE BILL NO. 6115,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

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

MOTION

Senator Kuderer moved adoption of the following resolution:

SENATE RESOLUTION
8723

By Senators Kuderer and Liias

WHEREAS, Veenadhari Kollipara and Eshika Saxena, esteemed residents of Bellevue and students at Interlake High School, have achieved national recognition for exemplary volunteer service by receiving 2018 Prudential Spirit of Community Awards; and

WHEREAS, This prestigious award honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ms. Kollipara earned this award by devoting three summers to developing a multipurpose drone to inform farmers of soil conditions in order to make smarter crop decisions; and

WHEREAS, Ms. Saxena earned this award by generously donating her time and energy to TakeKnowledGe, the nonprofit organization she founded to address the gender gap in math and technology; and

WHEREAS, The success of the State of Washington, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young

people like Ms. Saxena and Ms. Kollipara who use their considerable talents and resources to serve others;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor Ms. Kollipara and Ms. Saxena as recipients of Prudential Spirit of Community Awards, recognize their outstanding records of volunteer service, peer leadership and community spirit, and extend best wishes for their continued success and happiness.

Senator Kuderer spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8723.

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

MOTION

On motion of Senator Lias, the Senate reverted to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Frockt moved that Joanne Harrell, Senate Gubernatorial Appointment No. 9133, be confirmed as a member of the University of Washington Board of Regents.

Senator Frockt spoke in favor of the motion.

APPOINTMENT OF JOANNE HARRELL

The President Pro Tempore declared the question before the Senate to be the confirmation of Joanne Harrell, Senate Gubernatorial Appointment No. 9133, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Joanne Harrell, Senate Gubernatorial Appointment No. 9133, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Joanne Harrell, Senate Gubernatorial Appointment No. 9133, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

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

SECOND READING

HOUSE BILL NO. 1056, by Representatives Kilduff, Muri, Appleton, Shea, Lovick, MacEwen, Stanford, Reeves, Fitzgibbon, Frame, Ormsby, Jinkins, Bergquist, Goodman,

Gregerson, Kirby, Fey, Slatter and Sawyer

Concerning consumer protections for military service members on active duty.

The measure was read the second time.

MOTION

On motion of Senator Fain, the rules were suspended, House Bill No. 1056 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fain spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1056.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1056 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1056, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2851, by Representatives Reeves, Rodne, Peterson, McCaslin and Haler

Clarifying the calculation of military leave for officers and employees that work shifts spanning more than one calendar day.

The measure was read the second time.

MOTION

On motion of Senator Hunt, the rules were suspended, House Bill No. 2851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2851.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2851 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

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Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson and Zeiger

HOUSE BILL NO. 2851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced students from Clover Creek Elementary School who were seated in the gallery. They are guests of Senator Conway.

SECOND READING

HOUSE BILL NO. 2611, by Representatives Barkis, Walsh, Irwin, Klippert, Hayes, Maycumber, Lovick, Stambaugh, Griffey, Wilcox, Steele and Young

Concerning the privilege for peer support group counselors.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 2611 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 2611.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2611 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2611, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622, by House Committee on Appropriations (originally sponsored by Representatives Senn, Springer, Tharinger, Ormsby and Fey)

Concerning the state building code council.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following floor amendment no. 734 by Senator Miloscia be adopted:

On page 2, line 32, after "consist of" strike "fifteen" and insert "~~((fifteen))~~ nineteen"

On page 2, line 34, after "(a)" insert "Two members of the house of representatives appointed by the speaker of the house, one from each caucus;

(b) Two members of the senate appointed by the president of the senate, one from each caucus;

(c)"

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

On page 3, line 29, after "these" strike "fifteen" and insert "~~((fifteen))~~ nineteen"

On page 3, line 31, after "include:" strike all material through "an" on line 34 and insert "~~((Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and))~~ An"

On page 3, line 35, after "as" insert "an"

On page 3, line 36, after "nonvoting" strike "members" and insert "member(~~s~~)"

Senators Miloscia, Angel and Schoesler spoke in favor of adoption of the amendment.

Senators Hunt and Rolfes spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 734 by Senator Miloscia on page 2, line 32 to Engrossed Second Substitute House Bill No. 1622.

The motion by Senator Miloscia did not carry and floor amendment no. 734 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor amendment no. 735 by Senator Miloscia be adopted:

On page 5, beginning on line 12, after "information" strike all material through "council" on line 13 and insert "~~((and shall amend the codes as deemed appropriate by the council))~~, Substantial amendments to the codes may be adopted no more frequently than every six years after the adoption and implementation of the 2016 codes referenced in RCW 19.27.031. As necessary, the council may enact emergency statewide amendments to the state building codes if an amendment is needed:

(i) To address a critical life and safety need;

(ii) To address a specific new or amended state statute;

(iii) For consistency with state or federal regulations; or

(iv) To correct errors or omissions"

On page 8, after line 20, insert the following:

"**Sec. 8.** RCW 19.27A.025 and 1991 c 122 s 3 are each amended to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-

effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3) Decisions to amend the Washington state energy code for new nonresidential buildings shall be made prior to December 15th of any year and shall not take effect before the end of the regular legislative session in the next year. Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote.

(4) Substantial amendments to the code shall be adopted no more frequently than every ~~((three))~~ six years after the adoption and implementation of the 2016 Washington state energy code.

(5) As necessary, the council may enact emergency statewide amendments to the Washington state energy code if an amendment is needed:

- (a) To address a critical life and safety need;
- (b) To address a specific new or amended state statute;
- (c) For consistency with state and federal regulations; or
- (d) To correct errors and omissions.

Sec. 9. RCW 19.27A.045 and 1990 c 2 s 5 are each amended to read as follows:

(1) The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1, chapter 2, Laws of 1990. In maintaining the Washington state energy code for residential structures, ~~((beginning in 1996))~~ the council shall review the Washington state energy code every ~~((three))~~ six years after the adoption and implementation of the 2016 Washington state energy code. After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

(2) As necessary, the council may enact emergency statewide amendments to the Washington state energy code if an amendment is needed:

- (a) To address a critical life and safety need;
- (b) To address a specific new or amended state statute;
- (c) For consistency with state and federal regulations; or
- (d) To correct errors and omissions."

Renumber the remaining sections consecutively.

On page 12, line 33, after "section" strike "10" and insert "12"

On page 13, line 10, after "through" strike "8" and insert "10"

On page 13, line 12, after "Sections" strike "9 and 10" and insert "11 and 12"

On page 1, line 2 of the title, after "19.27A.020," insert "19.27A.025, 19.27A.045,"

Senators Miloscia and Short spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 735 by Senator Miloscia on page 5, line 12 to Engrossed Second Substitute House Bill No. 1622.

The motion by Senator Miloscia did not carry and floor amendment no. 735 was not adopted by voice vote.

MOTION

Senator Angel moved that the following floor amendment no. 741 by Senator Angel be adopted:

On page 6, beginning on line 11, strike all material through "year." on line 14 and insert the following:

~~"((All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.)) (6)(a) All council decisions to adopt or amend codes of statewide application must be made prior to December 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year.~~

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent."

On page 8, after line 20, insert the following:

"Sec. 8. RCW 19.27A.025 and 1991 c 122 s 3 are each amended to read as follows:

(1) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 1986 edition, as amended. The state building code council may, by rule adopted pursuant to chapter 34.05 RCW, amend that code's requirements for new nonresidential buildings provided that:

(a) Such amendments increase the energy efficiency of typical newly constructed nonresidential buildings; and

(b) Any new measures, standards, or requirements adopted must be technically feasible, commercially available, and cost-effective to building owners and tenants.

(2) In considering amendments to the state energy code for nonresidential buildings, the state building code council shall establish and consult with a technical advisory committee including representatives of appropriate state agencies, local governments, general contractors, building owners and managers, design professionals, utilities, and other interested and affected parties.

(3)(a) All council decisions to amend the Washington state energy code for new nonresidential buildings ~~((shall))~~ require approval by at least a majority of the council and must be made prior to December ~~((15th))~~ 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and ~~((shall))~~ do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year. ~~((Any disputed provisions within an amendment presented to the legislature shall be approved by the legislature before going into effect. A disputed provision is one which was adopted by the state building code council with less than a two-thirds majority vote.))~~

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent.

(4) Substantial amendments to the code shall be adopted no more frequently than every three years.

Sec. 9. RCW 19.27A.045 and 1990 c 2 s 5 are each amended

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to read as follows:

(1) The state building code council shall maintain the state energy code for residential structures in a status which is consistent with the state's interest as set forth in section 1, chapter 2, Laws of 1990. In maintaining the Washington state energy code for residential structures, beginning in 1996 the council shall review the Washington state energy code every three years.

(2) After January 1, 1996, by rule adopted pursuant to chapter 34.05 RCW, the council may amend any provisions of the Washington state energy code to increase the energy efficiency of newly constructed residential buildings. ~~((Decisions to amend the Washington state energy code for residential structures shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.))~~

(3)(a) All council decisions to amend the Washington state energy code for residential structures requires approval by at least a majority of the council and must be made prior to December 1st of any year. All council decisions must be brought to the legislature in the form of agency request legislation by the department of enterprise services and do not take effect unless the legislature acts to allow implementation of the code updates referenced in RCW 19.27.031 before the end of the regular legislative session in the next year.

(b) Allowing the implementation does not constitute legislative approval of the code updates admissible in any court as evidence of legislative intent."

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

On page 1, line 2 of the title, after "19.27A.020," insert "19.27A.025, 19.27A.045,"

Senators Angel, Short, Ericksen and Rolfes spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of floor amendment no. 741 by Senator Angel on page 6, line 11 to Engrossed Second Substitute House Bill No. 1622.

The motion by Senator Angel did not carry and floor amendment no. 741 was not adopted by rising vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 1622 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hunt spoke in favor of passage of the bill.

Senators Angel and Short spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1622.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1622 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Sheldon, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, O'Ban, Padden, Rivers, Schoesler, Short, Wagoner, Warnick, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Now it is my privilege to say that it has been an honor to serve as President Pro Tem while the Lieutenant Governor has been unable to be here and I am very happy to turn the gavel over back to our President."

Lieutenant Governor Habib assumed the chair.

REMARKS BY THE PRESIDENT

President Habib: "Thank you Senator Keiser, thank you for, I know the Governor and I both appreciate that, thank you. It's, this is a, this is a lot of work, and to do that on top of having your own Senate agenda is, is a lot, is a lot to do at once. Senator Liias?"

PERSONAL PRIVILEGE

Senator Liias: "I just want to double down on my appreciation for President Keiser's work. As the floor leader I have been throwing schedule changes and lists and amendments at her and she has been so patient and capable and graceful and amazing, so I feel like the applause wasn't enough I wanted to heap on some more praise. Thank you, thank you, thank you for the work you've done the last few days."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2685, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Harris, Santos, Johnson, Caldier, Dolan, Ormsby, Valdez, Steele, Frame, Jinkins, Bergquist, Doglio, McBride, Sells, Tarleton and Pollet)

Promoting preapprenticeship opportunities for high school students.

The measure was read the second time.

MOTION

Senator Zeiger moved that the following floor amendment no. 721 by Senator Zeiger be adopted:

On page 1, line 18, after "or both," insert "and employer-based preapprenticeship and youth apprenticeship programs,"

On page 2, line 14, after "students;" strike "and"

On page 2, line 15, after "(c)" insert "Identifying opportunities to increase the number of employer-based preapprenticeship and youth apprenticeship opportunities and identifying any barriers to employers starting such programs; and

(d)"

Correct any internal references accordingly.

Senator Zeiger spoke in favor of adoption of the amendment.

Senator Wellman spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 721 by Senator Zeiger on page 1, line 18 to Substitute House Bill No. 2685.

The motion by Senator Zeiger did not carry and floor amendment no. 721 was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following floor amendment no. 723 by Senator Zeiger be adopted:

On page 1, line 18, after "or both," insert "and employer-based preapprenticeship and youth apprenticeship programs,"

Senators Zeiger and Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 723 by Senator Zeiger on page 1, line 18 to Substitute House Bill No. 2685.

The motion by Senator Zeiger carried and floor amendment no. 723 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2685 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2685.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2685 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Palumbo

SUBSTITUTE HOUSE BILL NO. 2685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1513, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Bergquist, Stambaugh, Frame, Hudgins, Sawyer, Slatter, Macri, Gregerson, Peterson, McBride, Doglio, Appleton, Fitzgibbon, Goodman, Tharinger, Farrell, Pollet, Ormsby, Dolan and Riccelli)

Concerning the collection of youth voter registration sign up

information.

The measure was read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 744 by Senator Padden be adopted:

On page 2, line 34, after "election" insert "and can verify their identity with valid state-issued photo identification"

Beginning on page 2, line 35, after "classroom." strike all material through "form." on page 3, line 1

On page 4, line 26, after "program" insert ", if the person submits an electronic registration application, or provides state-issued photo identification at the county auditor's office or department of licensing in accordance with RCW 46.20.155"

On page 4, after line 31, strike all of section 6

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

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

Senator Billig spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 744 by Senator Padden on page 2, line 34 to Second Substitute House Bill No. 1513.

The motion by Senator Padden did not carry and floor amendment no. 744 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor amendment no. 736 by Senator Miloscia be adopted:

On page 10, beginning on line 20, strike all of section 13

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

On page 1, at the beginning of line 4 of the title, strike "29A.84.140,"

Senators Miloscia, Ericksen and Fortunato spoke in favor of adoption of the amendment.

Senators Hunt and Billig spoke against adoption of the amendment.

POINT OF INQUIRY

Senator Ericksen: "Thank you Mr. President. I rise to see if the gentleman, the good gentleman from the 3rd District would yield to a question."

Senator Billig: "Sure."

Senator Ericksen: "Senator Billig my, my question is, if this were to go into place, what tools does the Secretary of State, county auditor, or other people currently elected to office in Washington State have to be able to identify people who are in the country illegally and to remove them from the voter rolls. What is their ability to do so?"

Senator Billig: "Thank you Senator Ericksen for that question. The same tools that the Secretary of State and the auditors have now for all voters would be available to them for these voters. I think it's a question probably on the specific details to ask the auditor and the Secretary of State but it would be

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exactly the same tools as we have in place now to apply to these voters. Thank you.”

SIGNED BY THE PRESIDENT

MOTION

Senator Ericksen demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

Senator Sheldon spoke in favor of adoption of the amendment.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Miloscia on page 10, line 20 to Second Substitute House Bill No. 1513.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Miloscia and the amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman .

MOTION

On motion of Senator Billig, the rules were suspended, Second Substitute House Bill No. 1513 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Billig spoke in favor of passage of the bill.

Senators Schoesler, Baumgartner, Becker, Rivers, Ericksen, Angel and Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1513.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1513 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

SECOND SUBSTITUTE HOUSE BILL NO. 1513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

ENGROSSED SENATE BILL NO. 5992,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037.

MOTION

Senator Lias moved Rule 15 be suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

Senator Sheldon objected to the motion by Senator Lias.

REMARKS BY SENATOR LIAS

Senator Lias: I continue to believe that we will not have ninety minutes available for lunch and dinner and certainly that ninety minute lunch and dinner would push us past ten pm so I believe that we cannot comply with Rule 15 today with the work we have in front of us so we will have to suspend it.”

REMARKS BY SENATOR SCHOESLER

Senator Schoesler: “Well thank you Mr. President, I hadn't intended to speak on this but we have a person who has had a significant medical event in this session and I think it's unrealistic to expect that person to exceed that. Another person has a spouse who is recovering from not one but two surgeries that does not have anyone there to help that person with from time to time. I think those are very reasonable reasons why we would take adequate meal breaks and limit our service this evening. Thank you.”

REMARKS BY SENATOR SHELDON

Senator Sheldon: “Well thank you Mr. President. As the longest serving member of the Legislature in the Senate I just want to remind everyone that we had a tradition, we had a long standing tradition in this body when someone had a, a family emergency, someone was grieving, someone had to leave, the other side of the aisle would provide a vote for that person and that was a long standing tradition of the Senate and I was very proud, actually, to be the beneficiary of that one time. Back in about 2004 when my mother was unexpectedly taken to the hospital and I missed a vote on a very large bill, I think we called it contracting out, but involved many, many issues and a member voted differently than she would've voted in respect for me and my mother. This is a serious issue Mr. President, and I think that we can deal with it in a collegial way.”

REMARKS BY THE PRESIDENT

President Habib: “Alright the question before, and the President wants to clarify a mistake that I made, Senator Sheldon, nothing against your speaking, generally in the Senate, but the rules do provide for one, one remark in opposition and one by the maker of the motion so in the future we will abide by that rule, in this case there was an extra speech that slipped in there.”

The President declared the question before the Senate to be the

motion by Senator Lias to suspend Rule 15 for the remainder of the day.

The motion by Senator Lias carried and Rule 15 was suspended for the remainder of the day by rising vote.

MOTION TO LIMIT DEBATE

Senator Lias moved that pursuant to Rule 29, senators be limited to speaking but once and for no more than three minutes on each question under debate for the remainder of the day.

Senator Baumgartner objected to the motion by Senator Lias.

REMARKS BY SENATOR LIAS

Senator Lias: "Thank you Mr. President. As all of our members know Friday is the opposite house cut off so we have important work to do and I know that we are all committed to completing our work in our constitutionally allotted 60 days so we can be home next week with our families and in sort of furtherance of that goal, implementing the limits that are envisioned in the rules will help us to make sure we have vigorous and free debate but also that we get our work done in a timely way to get out of here by our 60th day."

REMARKS BY SENATOR BAUMGARTNER

Senator Baumgartner: "Thank you Mr. President I would like to speak in opposition. We're doing the people's work here. This is about the people of Washington State that we're supposed to represent here and there been, frankly, an appalling track record of trying to limit debate in this Senate Chamber and pass bills in the middle of the night. These are important issues, they deserve full and vigorous debate for the people. We shouldn't be voting late at night when people can't pay attention out of the regular order we should have full debate on these issues and the majority party should stop trying to limit a free exchange of information and thoughts on these important issues. We should vote no and do the peoples work the right way."

MOTION

Senator Becker demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Lias that Rule 29 be suspended, limiting debate to 3 minutes, with each senator being allowed to speak but once except the maker of the motion who could speak twice.

The Secretary called the roll on the motion by Senator Lias and the motion carried by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson and Zeiger

SECOND READING

ENGROSSED HOUSE BILL NO. 1128, by Representatives Shea, Jinkins, Holy, Sawyer, Kilduff, Nealey, Hansen, McCaslin, Fitzgibbon, Ormsby and Haler

Concerning civil arbitration.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed House Bill No. 1128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 1128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 1128 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 8; Absent, 0; Excused, 0.

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

Voting nay: Senators Baumgartner, Becker, Braun, Fortunato, Honeyford, Schoesler, Warnick and Wilson

ENGROSSED HOUSE BILL NO. 1128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1630, by Representatives Slatter, McDonald, Senn, Dent, Kilduff, McBride, Frame, Jinkins, Kloba, Santos, Appleton, Muri, Fey, Doglio, Stanford and Kagi

Allowing minors to consent to share their personally identifying information in the Washington homeless client management information system.

The measure was read the second time.

MOTION

Senator Miloscia moved that the following floor amendment no. 724 by Senator Miloscia be adopted:

On page 2, line 31, after "section." insert "However, for a service provider that receives public funds including, but not limited to, federal, state, and local funding, an unaccompanied youth thirteen years of age or older seeking services must provide his or her personally identifying information to receive any services from the service provider, in accordance with applicable federal laws."

Senators Miloscia and Padden spoke in favor of adoption of the

amendment.

Senator Darneille spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 724 by Senator Miloscia on page 2, line 31 to House Bill No. 1630.

The motion by Senator Miloscia did not carry and floor amendment no. 724 was not adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, House Bill No. 1630 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Miloscia and Becker spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1630.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1630 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Becker, Miloscia, Padden and Wagoner

HOUSE BILL NO. 1630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MESSAGES FROM THE HOUSE

February 28, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6037, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

February 28, 2018

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SENATE BILL NO. 5992, and the same is herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

At 12:50 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 3:43 p.m. by President Habib.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Liias moved that William Ayer, Senate Gubernatorial Appointment No. 9262, be confirmed as a member of the University of Washington Board of Regents.

Senator Liias spoke in favor of the motion.

APPOINTMENT OF WILLIAM AYER

The President declared the question before the Senate to be the confirmation of William Ayer, Senate Gubernatorial Appointment No. 9262, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of William Ayer, Senate Gubernatorial Appointment No. 9262, as a member of the University of Washington Board of Regents and the appointment was confirmed by the following vote: Yeas, 43; Nays, 2; Absent, 4; Excused, 0.

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

Voting nay: Senators Hasegawa and Van De Wege

Absent: Senators Carlyle, Hawkins, Palumbo and Takko

William Ayer, Senate Gubernatorial Appointment No. 9262, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, by House Committee on Early Learning & Human Services (originally sponsored by Representatives Valdez, Smith, Stonier, Sawyer, Jinkins, Ortiz-Self and Kagi)

Concerning the handling of child forensic interview and child interview digital recordings.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.44 RCW to read as follows:

The legislature recognizes an inherent privacy interest that a child has with respect to the child's recorded voice and image when describing the highly sensitive details of abuse or neglect upon the child as defined in RCW 26.44.020. The legislature further finds that reasonable restrictions on the dissemination of these recordings can accommodate both privacy interests and due process. To that end, the legislature intends to exempt these recordings from dissemination under the public records act and provide additional sanction authority for violations of protective orders that set forth such terms and conditions as are necessary to protect the privacy of the child.

Sec. 2. RCW 26.44.020 and 2012 c 259 s 1 are each amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

(8) "Department" means the state department of social and health services.

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished

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Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

(27) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

Sec. 3. RCW 26.44.020 and 2017 3rd sp.s. c 6 s 321 are each amended to read as follows:

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

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that

endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Children's advocacy center" means a child-focused facility in good standing with the state chapter for children's advocacy centers and that coordinates a multidisciplinary process for the investigation, prosecution, and treatment of sexual and other types of child abuse. Children's advocacy centers provide a location for forensic interviews and coordinate access to services such as, but not limited to, medical evaluations, advocacy, therapy, and case review by multidisciplinary teams within the context of county protocols as defined in RCW 26.44.180 and 26.44.185.

(6) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(7) "Court" means the superior court of the state of Washington, juvenile department.

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

(9) "Family assessment" means a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, and family strengths and needs that is applied to a child abuse or neglect report. Family assessment does not include a determination as to whether child abuse or neglect occurred, but does determine the need for services to address the safety of the child and the risk of subsequent maltreatment.

(10) "Family assessment response" means a way of responding to certain reports of child abuse or neglect made under this chapter using a differential response approach to child protective services. The family assessment response shall focus on the safety of the child, the integrity and preservation of the family, and shall assess the status of the child and the family in terms of risk of abuse and neglect including the parent's or guardian's or other caretaker's capacity and willingness to protect the child and, if necessary, plan and arrange the provision of services to reduce the risk and otherwise support the family. No one is named as a perpetrator, and no investigative finding is entered in the record as a result of a family assessment.

(11) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(12) "Inconclusive" means the determination following an investigation by the department of social and health services, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(13) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(14) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(15) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse,

or an act or omission of duty betraying a willful disregard of social duty.

(16) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(17) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner. A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(19) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(20) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(21) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(22) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(23) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(24) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(25) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(26) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

(27) "Child forensic interview" means a developmentally sensitive and legally sound method of gathering factual

information regarding allegations of child abuse, child neglect, or exposure to violence. This interview is conducted by a competently trained, neutral professional utilizing techniques informed by research and best practice as part of a larger investigative process.

NEW SECTION. Sec. 4. A new section is added to chapter 26.44 RCW to read as follows:

Any and all audio and video recordings of child forensic interviews as defined in this chapter are exempt from disclosure under the public records act, chapter 42.56 RCW. Such recordings are confidential under chapter 13.50 RCW and federal law and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in this chapter is not grounds for penalties or other sanctions available under chapter 42.56 RCW or RCW 13.50.100(10). Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law.

Sec. 5. RCW 26.44.185 and 2010 c 176 s 3 are each amended to read as follows:

(1) Each county shall revise and expand its existing child sexual abuse investigation protocol to address investigations of child fatality, child physical abuse, and criminal child neglect cases and to incorporate the statewide guidelines for first responders to child fatalities developed by the criminal justice training commission. The protocols shall address the coordination of child fatality, child physical abuse, and criminal child neglect investigations between the county and city prosecutor's offices, law enforcement, children's protective services, children's advocacy centers, where available, local advocacy groups, emergency medical services, and any other local agency involved in the investigation of such cases. The protocol shall include the handling of child forensic interview audio and video recordings in accordance with section 6 of this act. The protocol revision and expansion shall be developed by the prosecuting attorney in collaboration with the agencies referenced in this section.

(2) Revised and expanded protocols under this section shall be adopted and in place by July 1, 2008. Thereafter, the protocols shall be reviewed every two years to determine whether modifications are needed.

NEW SECTION. Sec. 6. A new section is added to chapter 26.44 RCW to read as follows:

(1) Any and all audio and video recordings of child forensic interviews disclosed in a criminal or civil proceeding must be subject to a protective order, or other such order, unless the court finds good cause that the interview should not be subject to such an order. The protective order shall include the following: (a) That the recording be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court; (b) that the recording not be copied, photographed, duplicated, or otherwise reproduced except as a written transcript that does not reveal the identity of the child; (c) that the recording not be given, displayed, or in any way provided to a third party, except as permitted in (d) or (e) of this subsection or as necessary at trial; (d) that the recording remain in the exclusive custody of the attorneys, their employees, or agents, including expert witnesses retained by either party, who shall be provided a copy of the protective order; (e) that, if the party is not represented by an attorney, the party, their employees, and agents,

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including expert witnesses, shall not be given a copy of the recording but shall be given reasonable access to view the recording by the custodian of the recording; and (f) that upon termination of representation or upon disposition of the matter at the trial court level, attorneys and other custodians of recordings promptly return all copies of the recording.

(2) A violation of a court order pursuant to this section is subject to a civil penalty of up to ten thousand dollars, in addition to any other appropriate sanction by the court.

(3) Nothing in this section is intended to restrict the ability of the department or law enforcement to share child welfare information as authorized or required by state or federal law.

Sec. 7. RCW 42.56.240 and 2017 c 261 s 7 and 2017 c 72 s 3 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates;

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030;

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved

in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after June 9, 2016, and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of June 9, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on June 9, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot

basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records;

(15) Any records and information contained within the statewide sexual assault kit tracking system established in RCW 43.43.545; ~~((and))~~

(16)(a) Survivor communications with, and survivor records maintained by, campus-affiliated advocates.

(b) Nothing in this subsection shall be construed to restrict access to records maintained by a campus-affiliated advocate in the event that:

(i) The survivor consents to inspection or copying;

(ii) There is a clear, imminent risk of serious physical injury or death of the survivor or another person;

(iii) Inspection or copying is required by federal law; or

(iv) A court of competent jurisdiction mandates that the record be available for inspection or copying.

(c) "Campus-affiliated advocate" and "survivor" have the definitions in RCW 28B.112.030; ~~((and))~~

(17) Information and records prepared, owned, used, or retained by the Washington association of sheriffs and police chiefs and information and records prepared, owned, used, or retained by the Washington state patrol pursuant to chapter 261, Laws of 2017; and

(18) Any and all audio or video recordings of child forensic interviews as defined in chapter 26.44 RCW. Such recordings are confidential and may only be disclosed pursuant to a court order entered upon a showing of good cause and with advance notice to the child's parent, guardian, or legal custodian. However, if the child is an emancipated minor or has attained the age of majority as defined in RCW 26.28.010, advance notice must be to the child. Failure to disclose an audio or video recording of a child forensic interview as defined in chapter 26.44 RCW is not grounds for penalties or other sanctions available under this chapter.

NEW SECTION. Sec. 8. Section 7 of this act applies retroactively to all outstanding public records requests submitted prior to the effective date of this section.

NEW SECTION. Sec. 9. Section 2 of this act expires July 1, 2018.

NEW SECTION. Sec. 10. Section 3 of this act takes effect July 1, 2018.

NEW SECTION. Sec. 11. Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "recordings;" strike the remainder of the title and insert "amending RCW 26.44.020, 26.44.020, and 26.44.185; reenacting and amending RCW 42.56.240; adding new sections to chapter 26.44 RCW; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

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The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Substitute House Bill No. 2700.

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

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2700 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2700 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2700 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, by House Committee on State Government, Elections & Information Technology (originally sponsored by Representatives Hudgins, Stanford and Ormsby)

Concerning election security practices around auditing and equipment.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. **Sec. 1.** It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in

our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process.

Sec. 2. RCW 29A.60.185 and 2005 c 242 s 5 are each amended to read as follows:

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit using at minimum one of the following methods:

(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;

(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);

(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:

(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;

(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and

(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c)(iii)(A) and (B) of this subsection. If a duplicated ballot under RCW 29.60.125 is selected as part of the audit, it must be compared with the original ballot.

(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.

(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on

randomly selected ballots until the prespecified risk limit is met; or

(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:

(i) Approved by the secretary of state;

(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;

(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and

(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.

(2) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(3) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

Sec. 3. RCW 29A.60.170 and 2011 c 10 s 55 are each amended to read as follows:

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment ~~((may))~~ must be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(3), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the

county canvassing board ~~((and))~~. The random check procedures must include a process, consistent with RCW 29A.60.185(2) and rules adopted under RCW 29A.60.185(3), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

Sec. 4. RCW 29A.60.110 and 2013 c 11 s 61 are each amended to read as follows:

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.

Sec. 5. RCW 29A.12.005 and 2013 c 11 s 21 are each amended to read as follows:

As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

(a) To define ballots;

(b) To cast and count votes;

(c) To report or display election results from the voting system; ~~((and))~~

(d) To maintain and produce any audit trail information; and

(e) To perform an audit under RCW 29A.60.185; and

(2) The practices and associated documentation used:

(a) To identify system components and versions of such components;

(b) To test the system during its development and maintenance;

(c) To maintain records of system errors and defects;

(d) To determine specific system changes to be made to a system after the initial qualification of the system; and

(e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.

NEW SECTION. Sec. 6. A new section is added to chapter 29A.12 RCW to read as follows:

(1) A manufacturer or distributor of a voting system or

component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

- (a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or
- (b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.010.

(2) Notification under subsection (1) of this section must be made in the most expedient time possible and without unreasonable delay.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.12 RCW to read as follows:

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:

- (a) The system or component fails to meet the standards set forth in applicable federal guidelines;
- (b) The system or component was materially misrepresented in the certification application;
- (c) The applicant has installed unauthorized modifications to the certified software or hardware; or
- (d) Any other reason authorized by rule adopted by the secretary of state.

(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of section 6 of this act.

Sec. 8. RCW 29A.60.125 and 2005 c 243 s 10 are each amended to read as follows:

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

- (1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
- (2) A log must be kept of the ballots duplicated, which must at least include:
 - (a) The control number of each original ballot and the corresponding duplicate ballot;
 - (b) The initials of at least two people who participated in the duplication of each ballot; and
 - (c) The total number of ballots duplicated.

Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, ~~((and))~~ tabulation, or to conduct an audit under RCW 29A.60.185.

Sec. 9. RCW 29A.60.235 and 2017 c 300 s 1 are each

amended to read as follows:

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots issued;
- (c) The number of ballots received;
- (d) The number of ballots counted;
- (e) The number of ballots rejected;
- (f) The number of provisional ballots issued;
- (g) The number of provisional ballots received;
- (h) The number of provisional ballots counted;
- (i) The number of provisional ballots rejected;
- (j) The number of federal write-in ballots received;
- (k) The number of federal write-in ballots counted;
- (l) The number of federal write-in ballots rejected;
- (m) The number of overseas and service ballots issued by mail, email, web site link, or facsimile;
- (n) The number of overseas and service ballots received by mail, email, or facsimile;
- (o) The number of overseas and service ballots counted by mail, email, or facsimile;
- (p) The number of overseas and service ballots rejected by mail, email, or facsimile;
- (q) The number of nonoverseas and nonservice ballots sent by email, web site link, or facsimile;
- (r) The number of nonoverseas and nonservice ballots received by email or facsimile;
- (s) The number of nonoverseas and nonservice ballots that were rejected for:
 - (i) Failing to send an original or hard copy of the ballot by the certification deadline; or
 - (ii) Any other reason, including the reason for rejection;
- (t) The number of voters credited with voting; ~~((and))~~
- (u) The number of replacement ballots requested;
- (v) The number of replacement ballots issued;
- (w) The number of replacement ballots received;
- (x) The number of replacement ballots counted;
- (y) The number of replacement ballots rejected; and
- (z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's web site at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's web site within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better understanding of election administration and policy. The analysis must combine data, as

available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available."

On page 1, line 3 of the title, after "equipment;" strike the remainder of the title and insert "amending RCW 29A.60.185, 29A.60.170, 29A.60.110, 29A.12.005, 29A.60.125, and 29A.60.235; adding new sections to chapter 29A.12 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Engrossed Substitute House Bill No. 2406.

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

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Substitute House Bill No. 2406 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2406 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2406 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2406, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2684, by Representatives Caldier, Senn, Kagi, Kilduff, Ortiz-Self, Johnson, Muri and McBride

Defining the process for best interest determinations of students in out-of-home care.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2684 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2684.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2684 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Appleton, Peterson, Stanford and Pollet)

Creating an office of the corrections ombuds.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to create an independent and impartial office of the corrections ombuds to assist in strengthening procedures and practices that lessen the possibility of actions occurring within the department of corrections that may adversely impact the health, safety, welfare, and rehabilitation of offenders, and that will effectively reduce the exposure of the department to litigation.

NEW SECTION. Sec. 2. Subject to the availability of amounts appropriated for this specific purpose, there is hereby created an office of corrections ombuds within the office of the governor for the purpose of providing information to inmates and their families; promoting public awareness and understanding of the rights and responsibilities of inmates; identifying system issues and responses for the governor and the legislature to act upon; and ensuring compliance with relevant statutes, rules, and policies pertaining to corrections facilities, services, and treatment of inmates under the jurisdiction of the department.

The ombuds exercises his or her powers and duties independently of the secretary. The office of the corrections ombuds must have a clearly delineated budget separate from the overall budget for the office of the governor.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires

otherwise.

(1) "Abuse" means any act or failure to act by a department employee, subcontractor, or volunteer which was performed, or which was failed to be performed, knowingly, recklessly, or intentionally, and which caused, or may have caused, injury or death to an inmate.

(2) "Corrections ombuds" or "ombuds" means the corrections ombuds, staff of the corrections ombuds, and volunteers with the office of the corrections ombuds.

(3) "Department" means the department of corrections.

(4) "Inmate" means a person committed to the physical custody of the department, including persons residing in a correctional institution or facility and persons received from another state, another state agency, a county, or the federal government.

(5) "Neglect" means a negligent act or omission by any department employee, subcontractor, or volunteer which caused, or may have caused, injury or death to an inmate.

(6) "Office" means the office of the corrections ombuds.

(7) "Secretary" means the secretary of the department of corrections.

(8) "Statewide family council" means the family council maintained by the department that is comprised of representatives from local family councils.

NEW SECTION. Sec. 4. (1) Subject to the availability of amounts appropriated for this specific purpose, the governor shall appoint an ombuds who must be a person of recognized judgment, independence, objectivity, and integrity, and be qualified by training or experience in corrections law and policy. Prior to the appointment, the governor shall consult with, and may receive recommendations from, the appropriate committees of the legislature, delegates of the statewide family council as selected by the members of the council, and other relevant stakeholders, regarding the selection of the ombuds.

(2) The person appointed ombuds holds office for a term of three years and continues to hold office until reappointed or until his or her successor is appointed. The governor may remove the ombuds only for neglect of duty, misconduct, or the inability to perform duties. Any vacancy must be filled by similar appointment for the remainder of the unexpired term.

(3) The ombuds may employ technical experts and other employees to complete the purposes of this chapter.

NEW SECTION. Sec. 5. (1) The ombuds shall:

(a) Establish priorities for use of the limited resources available to the ombuds;

(b) Maintain a statewide toll-free telephone number, a collect telephone number, a web site, and a mailing address for the receipt of complaints and inquiries;

(c) Provide information, as appropriate, to inmates, family members, representatives of inmates, department employees, and others regarding the rights of inmates;

(d) Provide technical assistance to support inmate participation in self-advocacy;

(e) Monitor department compliance with applicable federal, state, and local laws, rules, regulations, and policies as related to the health, safety, welfare, and rehabilitation of inmates;

(f) Monitor and participate in legislative and policy developments affecting correctional facilities;

(g) Establish a statewide uniform reporting system to collect and analyze data related to complaints received by the ombuds regarding the department;

(h) Establish procedures to receive, investigate, and resolve complaints;

(i) Establish procedures to gather stakeholder input into the ombuds' activities and priorities, which must include a

minimum quarterly public meetings;

(j) Submit annually to the governor's office, the legislature, and the statewide family council, by November 1st of each year, a report that includes, at a minimum, the following information:

(i) The budget and expenditures of the ombuds;

(ii) The number of complaints received and resolved by the ombuds;

(iii) A description of significant systemic or individual investigations or outcomes achieved by the ombuds during the prior year;

(iv) Any outstanding or unresolved concerns or recommendations of the ombuds; and

(v) Input and comments from stakeholders, including the statewide family council, regarding the ombuds' activities during the prior year; and

(k) Adopt and comply with rules, policies, and procedures necessary to implement this chapter.

(2)(a) The ombuds may initiate and attempt to resolve an investigation upon his or her own initiative, or upon receipt of a complaint from an inmate, a family member, a representative of an inmate, a department employee, or others, regarding:

(i) Abuse or neglect;

(ii) Department decisions or administrative actions;

(iii) Inactions or omissions;

(iv) Policies, rules, or procedures; or

(v) Alleged violations of law by the department that may adversely affect the health, safety, welfare, and rights of inmates.

(b) Prior to filing a complaint with the ombuds, a person shall have reasonably pursued resolution of the complaint through the internal grievance, administrative, or appellate procedures with the department. However, in no event may an inmate be prevented from filing a complaint more than ninety business days after filing an internal grievance, regardless of whether the department has completed the grievance process. This subsection (2)(b) does not apply to complaints related to threats of bodily harm including, but not limited to, sexual or physical assaults or the denial of necessary medical treatment.

(c) The ombuds may decline to investigate any complaint as provided by the rules adopted under this chapter.

(d) If the ombuds does not investigate a complaint, the ombuds shall notify the complainant of the decision not to investigate and the reasons for the decision.

(e) The ombuds may not investigate any complaints relating to an inmate's underlying criminal conviction.

(f) The ombuds may not investigate a complaint from a department employee that relates to the employee's employment relationship with the department or the administration of the department, unless the complaint is related to the health, safety, welfare, and rehabilitation of inmates.

(g) The ombuds must attempt to resolve any complaint at the lowest possible level.

(h) The ombuds may refer complainants and others to appropriate resources, agencies, or departments.

(i) The ombuds may not levy any fees for the submission or investigation of complaints.

(j) The ombuds must remain neutral and impartial and may not act as an advocate for the complainant or for the department.

(k) At the conclusion of an investigation of a complaint, the ombuds must render a public decision on the merits of each complaint, except that the documents supporting the decision are subject to the confidentiality provisions of section 7 of this act. The ombuds must communicate the decision to the inmate, if any, and to the department. The ombuds must state its recommendations and reasoning if, in the ombuds' opinion, the department or any employee thereof should:

- (i) Consider the matter further;
- (ii) Modify or cancel any action;
- (iii) Alter a rule, practice, or ruling;
- (iv) Explain in detail the administrative action in question; or
- (v) Rectify an omission.

(l) If the ombuds so requests, the department must, within the time specified, inform the ombuds about any action taken on the recommendations or the reasons for not complying with the recommendations.

(m) If the ombuds believes, based on the investigation, that there has been or continues to be a significant inmate health, safety, welfare, or rehabilitation issue, the ombuds must report the finding to the governor and the appropriate committees of the legislature.

(n) Before announcing a conclusion or recommendation that expressly, or by implication, criticizes a person or the department, the ombuds shall consult with that person or the department. The ombuds may request to be notified by the department, within a specified time, of any action taken on any recommendation presented. The ombuds must notify the inmate, if any, of the actions taken by the department in response to the ombuds' recommendations.

(3) This chapter does not require inmates to file a complaint with the ombuds in order to exhaust available administrative remedies for purposes of the prison litigation reform act of 1995, P.L. 104-134.

NEW SECTION. Sec. 6. (1) The ombuds must have reasonable access to correctional facilities at all times necessary to conduct a full investigation of an incident of abuse or neglect. This authority includes the opportunity to interview any inmate, department employee, or other person, including the person thought to be the victim of such abuse, who might be reasonably believed by the facility to have knowledge of the incident under investigation. Such access must be afforded, upon request by the ombuds, when:

- (a) An incident is reported or a complaint is made to the office;
- (b) The ombuds determines there is probable cause to believe that an incident has or may have occurred; or
- (c) The ombuds determines that there is or may be imminent danger of serious abuse or neglect of an inmate.

(2) The ombuds must have reasonable access to department facilities, including all areas which are used by inmates, all areas which are accessible to inmates, and to programs for inmates at reasonable times, which at a minimum must include normal working hours and visiting hours. This access is for the purpose of:

(a) Providing information about individual rights and the services available from the office, including the name, address, and telephone number of the office;

(b) Monitoring compliance with respect to the rights and safety of inmates; and

(c) Inspecting, viewing, photographing, and video recording all areas of the facility which are used by inmates or are accessible to inmates.

(3) Access to inmates includes the opportunity to meet and communicate privately and confidentially with individuals regularly, both formally and informally, by telephone, mail, and in person.

(4) The ombuds has the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department that the ombuds considers necessary in an investigation of a complaint filed under this chapter, and the department must assist the ombuds in obtaining the necessary releases for those documents which are specifically restricted or privileged for use by the ombuds.

(5) Following notification from the ombuds with a written demand for access to agency records, the delegated department staff must provide the ombuds with access to the requested documentation not later than twenty business days after the ombuds' written request for the records. Where the records requested by the ombuds pertain to an inmate death, threats of bodily harm including, but not limited to, sexual or physical assaults, or the denial of necessary medical treatment, the records shall be provided within five days unless the ombuds consents to an extension of that time frame.

(6) Upon notice and a request by the ombuds, a state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombuds must provide the ombuds with access to such records.

(7) The ombuds must work with the department to minimize disruption to the operations of the department due to ombuds activities and must comply with the department's security clearance processes, provided those processes do not impede the activities outlined in this section.

NEW SECTION. Sec. 7. (1) Correspondence and communication with the office is confidential and must be protected as privileged correspondence in the same manner as legal correspondence or communication.

(2) The office shall establish confidentiality rules and procedures for all information maintained by the office.

(3) The ombuds shall treat all matters under investigation, including the identities of recipients of ombuds services, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombuds to perform the duties of the office and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombuds shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law or as authorized by subsection (4) of this section. Investigative records of the office are confidential and are exempt from public disclosure under chapter 42.56 RCW.

(4) To the extent the ombuds reasonably believes necessary, the ombuds:

(a) Must reveal information obtained in the course of providing ombuds services to prevent reasonably certain death or substantial bodily harm; and

(b) May reveal information obtained in the course of providing ombuds services to prevent the commission of a crime.

(5) If the ombuds receives personally identifying information about individual corrections staff during the course of an investigation that the ombuds determines is unrelated or unnecessary to the subject of the investigation or recommendation for action, the ombuds will not further disclose such information. If the ombuds determines that such disclosure is necessary to an investigation or recommendation, the ombuds will contact the staff member as well as the bargaining unit representative before any disclosure.

NEW SECTION. Sec. 8. (1) A civil action may not be brought against any employee of the office for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against a department employee, subcontractor, or volunteer, an inmate, or a family member or representative of an inmate for any communication made, or information given or disclosed, to aid the office in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith.

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(3) This section is not intended to infringe on the rights of an employer to supervise, discipline, or terminate an employee for other reasons.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The office of the corrections ombuds is terminated July 1, 2028, as provided in section 11 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2029:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act; and
- (8) Section 8 of this act."

On page 1, line 1 of the title, after "ombuds;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 43 RCW."

MOTION

Senator Padden moved that the following floor amendment no. 745 by Senator Padden be adopted:

On page 1, line 12 of the amendment, after "the office of", strike "the governor" and insert "public defense"

On page 1, beginning on line 21 of the amendment, after "secretary" strike all material through "office of" on line 23 and insert "of the department of corrections and"

Senators Padden and O'Ban spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 745 by Senator Padden on page 1, line 12 to the committee striking amendment.

The motion by Senator Padden did not carry and floor amendment no. 745 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1889.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1889 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

MOTION

On motion of Senator Liias, further consideration of Engrossed Second Substitute House Bill No. 1889 was deferred and the bill held its place on the third reading calendar.

SECOND READING

HOUSE BILL NO. 2661, by Representatives Doglio, Appleton, Orwall, Gregerson, Frame, Sells, Jinkins, Wylie, Macri, Tarleton, Hudgins, McBride, Pollet, Goodman, Santos and Stanford

Protecting survivors of domestic assault from employment discrimination.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2661 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2661.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2661 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Padden, Short, Warnick and Wilson

HOUSE BILL NO. 2661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students of North Central High School who were seated in the gallery. They are guests of Senator Billig.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, by House Committee on Transportation (originally sponsored by Representatives Hudgins, Dolan, Appleton, Gregerson, Pellicciotti, Jinkins, Senn, Wylie, Peterson, Sawyer, Fitzgibbon, Valdez, Stanford, Pollet, Doglio, Goodman, Ormsby, Macri, Riccelli, Robinson and Stonier)

Concerning procedures in order to automatically register citizens to vote.

The measure was read the second time.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on Transportation be not adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

**PART I
AUTOMATIC VOTER REGISTRATION FOR
ENHANCED DRIVER'S LICENSE**

NEW SECTION. Sec. 101. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicard issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the

appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license

upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and the identification of the incorrect information.

PART II

ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

If the health benefit exchange determines, in consultation with the health care authority, that implementation of automatic voter registration will require application or process changes subject to approval from the centers for medicare and medicaid services, implementation is contingent on approval from the centers for medicare and medicaid services. If applicable, the exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III

AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means the department of agriculture, the department of veterans affairs, the military department, and the business professions division of the department of licensing, or a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or

services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

- (a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and
- (b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

- (a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;
- (b)(i) The qualifications to be registered to vote;
- (ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and
- (iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

- (a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;
- (b) Promptly provide to the secretary of state, in a format to be

determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

- (i) The person's name;
 - (ii) The person's traditional or nontraditional residential address;
 - (iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;
 - (iv) The person's date of birth;
 - (v) Confirmation that the person is a citizen of the United States;
 - (vi) A digital copy of the person's signature; and
 - (vii) An affirmation of the person's eligibility to register to vote; and
- (c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to register to vote pursuant to this act at the health benefit exchange.

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to

each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ~~((or))~~

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection

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and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor, if he or she willfully:

(1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;

(2) Neglects or refuses to perform such duty in the manner required by voter registration law;

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

PART IV MISCELLANEOUS

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original

date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 402. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, ~~(date)~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

NEW SECTION. Sec. 403. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Hunt moved that the following committee striking amendment by the Committee on State Government, Tribal Relations & Elections be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this

democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

**PART I
AUTOMATIC VOTER REGISTRATION FOR
ENHANCED DRIVER'S LICENSE**

NEW SECTION. Sec. 101. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicaid issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicaid pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicaid issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicaid pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly

mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 102 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicaid is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicaid under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicaid pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicaid for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicaid and the identification of the incorrect information.

**PART II
ENHANCING VOTER REGISTRATION AT THE
HEALTH BENEFIT EXCHANGE**

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NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

If the health benefit exchange determines, in consultation with the health care authority, that implementation of automatic voter registration will require application or process changes subject to approval from the centers for medicare and medicaid services, implementation is contingent on approval from the centers for medicare and medicaid services. If applicable, the exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III

AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

- (a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and
- (b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

(a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;

(b)(i) The qualifications to be registered to vote;

(ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and

(iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Confirmation that the person is a citizen of the United States;

(vi) A digital copy of the person's signature; and

(vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to register to vote pursuant to this act at the health

benefit exchange.

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each

amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ~~((or))~~

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty

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of a gross misdemeanor, if he or she willfully:

- (1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;
- (2) Neglects or refuses to perform such duty in the manner required by voter registration law;
- (3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or
- (4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

**PART IV
MISCELLANEOUS**

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 402. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, ~~((date))~~ year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

NEW SECTION. Sec. 403. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; and providing an effective date."

The President declared the question before the Senate to not adopt the committee striking amendment by the Committee on State Government, Tribal Relations & Elections to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Zeiger moved that the following striking floor amendment no. 732 by Senator Zeiger be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 may be registered to vote or update voter registration information at the time of registration or renewal, by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 2. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 1 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.340.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

(3) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.

NEW SECTION. Sec. 3. A new section is added to chapter 29A.08 RCW to read as follows:

(1) For persons age eighteen years and older registering under section 1 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and citizenship information. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes.

Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information shall not be included on the list of registered voters.

NEW SECTION. Sec. 4. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has determined are citizens of the United States and who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202, and have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 5. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, citizenship, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

NEW SECTION. Sec. 6. This act takes effect July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; and providing an effective date."

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

Senator Hunt spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 732 by Senator Zeiger on Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Zeiger did not and striking floor amendment no. 732 was not adopted by voice vote.

MOTION

Senator Hunt moved that the following striking floor amendment no. 737 by Senator Hunt be adopted:

Strike everything after the enacting clause and insert the

following:

"NEW SECTION. Sec. 1. This act may be known and cited as the automatic voter registration act of 2018.

NEW SECTION. Sec. 2. (1) The legislature finds that:

(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and

(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.

(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies.

PART I AUTOMATIC VOTER REGISTRATION FOR ENHANCED DRIVER'S LICENSE

NEW SECTION. Sec. 101. A new section is added to chapter 29A.08 RCW to read as follows:

A person age eighteen years or older who is a citizen of the United States applying for or renewing an enhanced driver's license or identicard issued under RCW 46.20.202 or changing the address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205 may be registered to vote or update voter registration information at the time of registration or renewal by automated process if the department of licensing record associated with the applicant verifies United States citizenship, contains the data required for voter registration under RCW 29A.08.010, and includes a signature image. The person must be informed that his or her record will be used for voter registration, and offered an opportunity to decline to register.

NEW SECTION. Sec. 102. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If the applicant in section 101 of this act does not decline registration, the application is submitted pursuant to RCW 29A.08.350.

(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.

NEW SECTION. Sec. 103. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) For persons age eighteen years and older registering under section 101 of this act, an application is considered complete only if it contains the information required by RCW 29A.08.010 and verification of citizenship. The applicant is considered to be registered to vote as of the original date of application or renewal of an enhanced driver's license or identicard issued under RCW 46.20.202 or application for change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an

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application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The United States postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(b) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the first-class mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete under this subsection.

(3) If the prospective registration applicant declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.

(4) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in section 101 of this act with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

NEW SECTION. Sec. 104. A new section is added to chapter 46.20 RCW to read as follows:

For persons eighteen years of age or older who the department has verified United States citizenship, who are applying for or renewing an enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and who have not declined to register to vote, the department shall produce and transmit to the secretary of state the following information from the records of each individual: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application was submitted. The department and the secretary of state shall process information as an automated application on a daily basis.

Sec. 105. RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, signature image, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application.

Sec. 106. RCW 46.20.207 and 1993 c 501 s 3 are each amended to read as follows:

(1) The department is authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance of the license, or that the licensee failed to give the required or correct information in his or her application, or that the licensee is incompetent to drive a motor vehicle for any of the reasons under RCW 46.20.031 (4) and (7).

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department.

(3) Upon the cancellation of an enhanced driver's license or identicard for failure of the licensee to give correct information, if such information had been transferred to the secretary of state for purposes of voter registration, the department must immediately notify the office of the secretary of state, and the county auditor of the county of the licensee's address of record, of the cancellation of the license or identicard and the identification of the incorrect information.

PART II ENHANCING VOTER REGISTRATION AT THE HEALTH BENEFIT EXCHANGE

NEW SECTION. Sec. 201. A new section is added to chapter 29A.04 RCW to read as follows:

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for the purpose of the applicants being registered to vote:

- (a) Names;
- (b) Traditional or nontraditional residential addresses; and
- (c) Dates of birth.

(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures.

(3) If applicable, the health benefit exchange shall report any known barriers or impediments to implementation of this section to the appropriate committees of the legislature and the governor no later than December 1, 2019.

NEW SECTION. Sec. 202. A new section is added to chapter 29A.04 RCW to read as follows:

The health benefit exchange shall report any known barriers or impediments to implementation of automatic voter registration to the appropriate committees of the legislature and the governor no later than December 1, 2019.

PART III AUTOMATIC VOTER REGISTRATION AT QUALIFIED VOTER REGISTRATION AGENCIES

NEW SECTION. Sec. 301. A new section is added to chapter 29A.04 RCW to read as follows:

(1) "Qualified voter registration agency" means the department of agriculture, the department of veterans affairs, the military department, and the business professions division of the department of licensing, or a state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collects, processes, and stores the following information as part of providing assistance or services:

- (a) Names;
- (b) Traditional or nontraditional residential addresses;
- (c) Dates of birth;
- (d) A signature attesting to the truth of the information provided on the application for assistance or services; and
- (e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.

(2) Qualified voter registration agencies should seek to provide

automatic voter registration services under section 302 of this act with any or all agency transactions. If a qualified voter registration agency chooses to provide automatic voter registration services, the agency:

(a) Must consult with the secretary of state's office to establish automatic voter registration criteria and procedures; and

(b) May adopt rules to enable the agency to provide automatic voter registration services.

(3) Qualified voter registration agencies that do not intend to seek to provide automatic voter registration services shall submit a report to the governor and appropriate legislative committees no later than December 1, 2019, detailing the reasons that make providing automatic voter registration services not feasible.

(4) For agencies submitting a report under subsection (3) of this section, the governor shall consult with the secretary of state's office to make a decision as to whether the agency should implement automatic voter registration. The governor shall make the final decision at the governor's sole discretion.

(5) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.

NEW SECTION. Sec. 302. A new section is added to chapter 29A.08 RCW to read as follows:

(1) With each application for assistance or services listing the information described in section 301 of this act, and with each related recertification, renewal, or change of address, each qualified voter registration agency that chooses to or is required to provide automatic voter registration services, as provided in section 301 of this act shall inform the person of the following:

(a) Unless the person declines to register to vote or update an existing voter registration, or is found to be ineligible to vote, the person will be registered to vote or, if applicable, the person's voter registration will be updated;

(b)(i) The qualifications to be registered to vote;

(ii) The penalties under chapter 29A.84 RCW for registering to vote when ineligible or providing false registration information; and

(iii) That the person should not register to vote if the person does not meet the qualifications to register;

(c) That voter registration is voluntary, and the person's choice to register or decline to register to vote will not affect the availability of agency services or benefits, and that the person's choice to register or decline to register to vote will not be used for any other purposes or retained by the agency; and

(d) Information about the address confidentiality program established under chapter 40.24 RCW, including how to register for the address confidentiality program and how voter registration may impact participation in the program.

(2) Each qualified voter registration agency shall:

(a) Ensure that each application for service or assistance, and each related recertification, renewal, or change of address, cannot be completed until the person is given the opportunity to decline being registered to vote;

(b) Promptly provide to the secretary of state, in a format to be determined by the secretary in consultation with the agency, the following information for each person who does not decline to register to vote:

(i) The person's name;

(ii) The person's traditional or nontraditional residential address;

(iii) The person's mailing address, if different from the person's traditional or nontraditional residential address;

(iv) The person's date of birth;

(v) Confirmation that the person is a citizen of the United

States;

(vi) A digital copy of the person's signature; and

(vii) An affirmation of the person's eligibility to register to vote; and

(c) Offer each person an opportunity to decline to register to vote or to update an existing registration at each application for service or assistance, and each related recertification, renewal, or change of address, regardless of whether the person previously declined to register to vote or update an existing registration.

(3) The department of social and health services is not required to follow subsections (1) and (2) of this section where the department has verified that the person has already been offered the opportunity to be automatically registered to vote pursuant to this section at another state agency providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1).

(4) A qualified voter registration agency shall not use a person's declination to register to vote to affect the person's eligibility for services or benefits provided by a qualified voter registration agency.

(5) The secretary of state shall consult with each qualified voter registration agency to establish a procedure for transmitting digital copies of signatures of persons who do not decline to register to vote.

(6) Each qualified voter registration agency is prohibited from sharing information used to verify identity with any federal agency unless required by law. The agency may not retain any records or documentation used to certify eligibility to vote under this section once the certification process has been completed and recorded unless required by law. Personal information in files maintained for patients or clients of agencies providing public assistance or services to persons with disabilities is exempt from public inspection pursuant to RCW 42.56.230, 74.04.060, and 74.18.127.

NEW SECTION. Sec. 303. A new section is added to chapter 29A.08 RCW to read as follows:

(1)(a) Except as provided in (b) of this subsection, upon receiving the data for, and a digital copy of the signature of, a person as provided in section 302(2)(b) of this act, the secretary of state shall determine whether the person is already registered to vote. If the person is not already registered to vote, the secretary of state shall provide the information to the county auditor of the county in which the person may be registered as a voter, and the auditor shall register the person to vote.

(b) If the secretary of state receives information about a person pursuant to section 302 of this act within eight days of an election in which that person would otherwise be eligible to vote, the secretary of state shall wait until after the election to provide the information to the county auditor of the county in which that person may be registered as a voter.

(2) If the person is already registered to vote, but the residential address transmitted by the qualified voter registration agency is different from the residential address on the person's current registration, the secretary of state shall direct the auditor of the county in which the person may be registered as a voter to update the person's voter registration.

(3) The county auditor shall promptly send a notification to each person who is registered to vote or whose existing voter registration is updated under this section.

(4) A voter registration submitted under this section is otherwise considered an electronic voter registration.

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) If a person who is ineligible to vote becomes automatically

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registered to vote under section 101 or 302 of this act in the absence of a knowing violation by that person of RCW 29A.84.140, that person's registration is presumed to not be the fault of that person.

(2) If a person who is ineligible to vote becomes automatically registered to vote under section 102 or 302 of this act and votes or attempts to vote in the absence of a knowing violation by that person of RCW 29A.84.130, that person's vote is presumed not to be the fault of that person.

(3) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause.

Sec. 305. RCW 29A.08.410 and 2009 c 369 s 22 are each amended to read as follows:

A registered voter who changes his or her residence from one address to another within the same county may transfer his or her registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or emailing the county auditor to transfer the registration; ~~((¶))~~

(4) Submitting a voter registration application;

(5) Submitting information to the department of licensing;

(6) Submitting information to the health benefit exchange; or

(7) Submitting information to a qualified voter registration agency.

Sec. 306. RCW 29A.08.420 and 2009 c 369 s 23 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration form or by submitting information to the department of licensing, the health benefit exchange, or a qualified voter registration agency. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 307. RCW 29A.08.720 and 2011 c 10 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing, the health benefit exchange, or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote must be used only for voter registration purposes, is not available for public inspection, and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or

delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

NEW SECTION. Sec. 308. A new section is added to chapter 29A.84 RCW to read as follows:

An employee of a qualified voter registration agency is guilty of a gross misdemeanor, if he or she willfully:

(1) Neglects or refuses to perform any duty required by law in connection with the registration of voters;

(2) Neglects or refuses to perform such duty in the manner required by voter registration law;

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law, or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law.

**PART IV
MISCELLANEOUS**

Sec. 401. RCW 29A.08.110 and 2009 c 369 s 10 are each amended to read as follows:

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.330, and 29A.08.340, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 402. RCW 29A.08.710 and 2005 c 246 s 17 are each amended to read as follows:

(1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is

considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, ((date)) year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

NEW SECTION. Sec. 403. Sections 101 through 308 of this act take effect July 1, 2019. Automatic voter registration at the department of licensing under sections 101 through 106 of this act must be implemented by July 1, 2019."

On page 1, line 3 of the title, after "vote;" strike the remainder of the title and insert "amending RCW 29A.08.350, 46.20.207, 29A.08.410, 29A.08.420, 29A.08.720, 29A.08.110, and 29A.08.710; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 46.20 RCW; adding new sections to chapter 29A.04 RCW; adding a new section to chapter 29A.84 RCW; creating new sections; prescribing penalties; and providing an effective date."

MOTION

Senator Miloscia moved that the following floor amendment no. 747 by Senator Miloscia be adopted:

On page 9 of the amendment, after line 13, strike all of section 304, and insert the following:

NEW SECTION. Sec. 304. A new section is added to chapter 29A.08 RCW to read as follows:

(1) An ineligible voter who successfully completes the voter registration process must have their voter registration invalidated.

(2) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly investigate and determine the cause. Upon completion of the investigation, a report detailing the findings of the investigation must be submitted to the governor and legislature.

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

Senator Hunt spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 747 by Senator Miloscia on page 9, after line 13 to striking floor amendment no. 737.

The motion by Senator Miloscia did not carry and floor amendment no. 747 was not adopted by voice vote.

MOTION

Senator Miloscia moved that the following floor amendment no. 746 by Senator Miloscia be adopted:

Beginning on page 12, line 23 of the amendment, strike all of section 402

Renumber the remaining section consecutively and correct any

internal references accordingly.

On page 13, beginning on line 9 of the title amendment, after "29A.08.720," strike "29A.08.110, and 29A.08.710" and insert "and 29A.08.110"

Senators Miloscia and Hunt spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 746 by Senator Miloscia on page 12, line 23 to striking floor amendment no. 737.

The motion by Senator Miloscia carried and floor amendment no. 746 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 737 by Senator Hunt as amended to Engrossed Second Substitute House Bill No. 2595.

The motion by Senator Hunt carried and striking floor amendment no. 737 as amended was adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute House Bill No. 2595 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2595 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2595 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh and Wellman

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Eriksen, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2595, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 2008, by Representatives Kagi, Jinkins and Senn

Addressing the budgeting process for core state services for children.

The measure was read the second time.

MOTION

FIFTY SECOND DAY, FEBRUARY 28, 2018

2018 REGULAR SESSION

Senator Rolfe moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that effective planning for and implementation of core state services for children requires predictability and stability in the budgeting process for these services. For these reasons, the legislature intends that costs for behavioral rehabilitation services be included in the state budgeting process at maintenance level. By implementing consistent statewide assessments, forecasting program caseloads, and incorporating forecast-based program costs into the maintenance level budget, the state can ensure predictable funding levels for this program.

NEW SECTION. Sec. 2. (1) The children and families services program of the department of social and health services through June 30, 2018, and of the department of children, youth, and families effective July 1, 2018, shall facilitate a stakeholder work group in a collaborative effort to design a behavioral rehabilitation services rate payment methodology that is based on actual provider costs of care. The work group may consider the findings of a contracted rate analysis in designing the methodology. By November 30, 2018, and in compliance with RCW 43.01.036, the department of children, youth, and families must submit a report with the final work group findings to the appropriate legislative committees.

(2) This section expires December 31, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

The office of innovation, alignment, and accountability must develop a single validated tool to assess the care needs of foster children. Once the validated tool is available for use on a statewide basis, the department of children, youth, and families must use the tool for assessing the care needs of foster children, including but not limited to whether the department should provide foster children with behavioral rehabilitation services. The department must notify the caseload forecast council, the office of financial management, and the appropriate fiscal committees of the legislature when it begins statewide use of the validated tool.

Sec. 4. RCW 43.88C.010 and 2015 c 128 s 2 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members,

the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of children who are eligible, as defined in RCW ~~((43.215.405))~~ 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 43.88 RCW to read as follows:

For the purposes of this chapter, expenditures for behavioral rehabilitation services placements must be forecasted and budgeted as maintenance level costs.

NEW SECTION. Sec. 6. (1) The department of children, youth, and families shall, as part of its budget request submittal for the 2019-2021 biennial operating budget, conduct of a review of the most recent caseload forecast of children in foster care and the availability and capacity of licensed foster homes. The review shall include:

(a) An analysis of the need for licensed foster homes;

(b) A listing of support resources available for parents in licensed foster homes; and

(c) A review of department policies that affect the recruitment and retention of licensed foster homes.

A report containing the results of the review shall be submitted to the office of financial management and appropriated committees of the legislature no later than October 1, 2018.

(2) This section expires October 1, 2018."

On page 1, line 2 of the title, after "children;" strike the

remainder of the title and insert "amending RCW 43.88C.010; adding a new section to chapter 74.13 RCW; adding a new section to chapter 43.88 RCW; creating new sections; and providing expiration dates."

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed House Bill No. 2008.

The motion by Senator Rolfes carried and the committee striking amendment was adopted by rising vote.

MOTION

On motion of Senator Rolfes, the rules were suspended, Engrossed House Bill No. 2008 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rolfes spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed House Bill No. 2008 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2008 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rivers, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, King, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

ENGROSSED HOUSE BILL NO. 2008, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2530, by House Committee on Appropriations (originally sponsored by Representatives Senn, Graves, Caldier, Fey, Stonier, Kagi, McBride, Wylie and Doglio)

Concerning foster youth health care benefits.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2530.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2530 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1022, by House Committee on Public Safety (originally sponsored by Representatives MacEwen, Pettigrew and Haler)

Enhancing crime victim participation in the criminal justice system process.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1022 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1022.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1022 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:56 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

EVENING SESSION

The Senate was called to order at 5:11 p.m. by President Habib.

SECOND READING

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, by House Committee on Health Care & Wellness (originally sponsored by Representatives Cody, Rodne, Harris, Macri and Frame)

Changing the designation of the state behavioral health authority from the department of social and health services to the health care authority and transferring the related powers, functions, and duties to the health care authority and the department of health.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Second Engrossed Substitute House Bill No. 1388 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Second Engrossed Substitute House Bill No. 1388.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute House Bill No. 1388 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 3; Excused, 0.

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

Voting nay: Senators Padden and Short

Absent: Senators Bailey, Hobbs and Schoesler

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Padden, Senator Schoesler was excused.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, by House Committee on Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby and

Pollet)

Concerning legal financial obligations.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, Senator Hobbs was excused.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((financial obligations))~~ restitution imposed in a judgment shall bear interest from the date of the judgment until payment, at the rate applicable to civil judgments. As of the effective date of this section, no interest shall accrue on nonrestitution legal financial obligations. All nonrestitution interest retained by the court shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

(2) The court may, on motion by the offender, following the offender's release from total confinement, reduce or waive the interest on legal financial obligations levied as a result of a criminal conviction as follows:

(a) The court shall waive all interest on the portions of the legal financial obligations that are not restitution that accrued ~~((during the term of total confinement for the conviction giving rise to the financial obligations, provided the offender shows that the interest creates a hardship for the offender or his or her immediate family))~~ prior to the effective date of this section;

(b) The court may reduce interest on the restitution portion of the legal financial obligations only if the principal has been paid in full(;

~~(c) The court may otherwise reduce or waive the interest on the portions of the legal financial obligations that are not restitution if the offender shows that he or she has personally made a good faith effort to pay and that the interest accrual is causing a significant hardship. For purposes of this section, "good faith effort" means that the offender has either (i) paid the principal amount in full; or (ii) made at least fifteen monthly payments within an eighteen month period, excluding any payments mandatorily deducted by the department of corrections;~~

~~(d) For purposes of (a) through (c) of this subsection, the court may reduce or waive interest on legal financial obligations only))~~ and as an incentive for the offender to meet his or her other legal financial obligations. The court may grant the motion, establish a payment schedule, and retain jurisdiction over the offender for purposes of reviewing and revising the reduction or waiver of interest.

(3) This section only applies to adult offenders.

Sec. 2. RCW 3.50.100 and 2012 c 136 s 3 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as

provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4)(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 3. RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and 2012 c 134 s 6 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4), and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial

stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) Except as provided in RCW 7.84.100(4), all money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5)(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts.

Sec. 4. RCW 3.62.040 and 2012 c 136 s 5 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5)(a) Except as provided in (b) of this subsection, penalties, fines, ((bail forfeitures,)) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

FIFTY SECOND DAY, FEBRUARY 28, 2018

2018 REGULAR SESSION

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 5. RCW 35.20.220 and 2012 c 136 s 7 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4)(a) Except as provided in (b) of this subsection, penalties, fines, (~~bail forfeitures,~~) fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of the effective date of this section, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts.

Sec. 6. RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, the court may require a defendant to pay costs. Costs may be imposed only upon a convicted defendant, except for costs imposed upon a defendant's entry into a deferred prosecution program, costs imposed upon a defendant for pretrial supervision, or costs imposed upon a defendant for preparing and serving a warrant for

failure to appear.

(2) Costs shall be limited to expenses specially incurred by the state in prosecuting the defendant or in administering the deferred prosecution program under chapter 10.05 RCW or pretrial supervision. They cannot include expenses inherent in providing a constitutionally guaranteed jury trial or expenditures in connection with the maintenance and operation of government agencies that must be made by the public irrespective of specific violations of law. Expenses incurred for serving of warrants for failure to appear and jury fees under RCW 10.46.190 may be included in costs the court may require a defendant to pay. Costs for administering a deferred prosecution may not exceed two hundred fifty dollars. Costs for administering a pretrial supervision other than a pretrial electronic alcohol monitoring program, drug monitoring program, or 24/7 sobriety program may not exceed one hundred fifty dollars. Costs for preparing and serving a warrant for failure to appear may not exceed one hundred dollars. Costs of incarceration imposed on a defendant convicted of a misdemeanor or a gross misdemeanor may not exceed the actual cost of incarceration. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendants for the cost of incarceration in the county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. Costs imposed constitute a judgment against a defendant and survive a dismissal of the underlying action against the defendant. However, if the defendant is acquitted on the underlying action, the costs for preparing and serving a warrant for failure to appear do not survive the acquittal, and the judgment that such costs would otherwise constitute shall be vacated.

(3) The court shall not order a defendant to pay costs (~~(unless)~~ if the defendant (~~is or will be able to pay them~~) at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). In determining the amount and method of payment of costs for defendants who are not indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall take account of the financial resources of the defendant and the nature of the burden that payment of costs will impose.

(4) A defendant who has been ordered to pay costs and who is not in contumacious default in the payment thereof may at any time after release from total confinement petition the sentencing court for remission of the payment of costs or of any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, (~~(or)~~) modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) Except for direct costs relating to evaluating and reporting to the court, prosecutor, or defense counsel regarding a defendant's competency to stand trial as provided in RCW 10.77.060, this section shall not apply to costs related to medical or mental health treatment or services a defendant receives while in custody of the secretary of the department of social and health services or other governmental units. This section shall not prevent the secretary of the department of social and health

services or other governmental units from imposing liability and seeking reimbursement from a defendant committed to an appropriate facility as provided in RCW 10.77.084 while criminal proceedings are stayed. This section shall also not prevent governmental units from imposing liability on defendants for costs related to providing medical or mental health treatment while the defendant is in the governmental unit's custody. Medical or mental health treatment and services a defendant receives at a state hospital or other facility are not a cost of prosecution and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and any other applicable statute.

Sec. 7. RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each amended to read as follows:

(1) When a defendant is sentenced to pay ((*) fines, penalties, assessments, fees, restitution, or costs, the court may grant permission for payment to be made within a specified period of time or in specified installments. If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine or costs shall be payable forthwith.

(2) An offender's monthly payment shall be applied in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

Sec. 8. RCW 10.01.180 and 2010 c 8 s 1006 are each amended to read as follows:

(1) A defendant sentenced to pay ((*) any fine, penalty, assessment, fee, or costs who willfully defaults in the payment thereof or of any installment is in contempt of court as provided in chapter 7.21 RCW. The court may issue a warrant of arrest for his or her appearance.

(2) When ((*) any fine, penalty, assessment, fee, or assessment of costs is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the ((fine or costs)) obligation from those assets, and his or her failure to do so may be held to be contempt.

(3)(a) The court shall not sanction a defendant for contempt based on failure to pay fines, penalties, assessments, fees, or costs unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the defendant has the current ability to pay but refuses to do so.

(b) In determining whether the defendant has the current ability to pay, the court shall inquire into and consider: (i) The defendant's income and assets; (ii) the defendant's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the defendant's bona fide efforts to acquire additional resources. A defendant who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay.

(c) If the court determines that the defendant is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful contempt and shall not subject the defendant to penalties.

(4) If a term of imprisonment for contempt for nonpayment of

((*) any fine, penalty, assessment, fee, or costs is ordered, the term of imprisonment shall be set forth in the commitment order, and shall not exceed one day for each twenty-five dollars of the ((fine or costs)) amount ordered, thirty days if the ((fine or assessment)) amount ordered of costs was imposed upon conviction of a violation or misdemeanor, or one year in any other case, whichever is the shorter period. A person committed for nonpayment of ((*) any fine, penalty, assessment, fee, or costs shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

((4)) (5) If it appears to the satisfaction of the court that the default in the payment of ((*) any fine, penalty, assessment, fee, or costs is not willful contempt, the court may, and if the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall enter an order: (a) Allowing the defendant additional time for payment((-)); (b) reducing the amount thereof or of each installment ((-)); (c) revoking the fine, penalty, assessment, fee, or costs or the unpaid portion thereof in whole or in part; or (d) converting the unpaid fine, penalty, assessment, fee, or costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, revoked, or converted to community restitution hours.

((5)) (6) A default in the payment of ((*) any fine, penalty, assessment, fee, or costs or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of ((*) any fine, penalty, assessment, fee, or costs shall not discharge a defendant committed to imprisonment for contempt until the amount ((of the fine or costs)) has actually been collected.

Sec. 9. RCW 10.46.190 and 2005 c 457 s 12 are each amended to read as follows:

Every person convicted of a crime or held to bail to keep the peace ((shall)) may be liable to all the costs of the proceedings against him or her, including, when tried by a jury in the superior court or before a committing magistrate, a jury fee as provided for in civil actions for which judgment shall be rendered and collected. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). The jury fee, when collected for a case tried by the superior court, shall be paid to the clerk and applied as the jury fee in civil cases is applied.

Sec. 10. RCW 10.64.015 and Code 1881 s 1104 are each amended to read as follows:

When the defendant is found guilty, the court shall render judgment accordingly, and the defendant ((shall)) may be liable for all costs, unless the court or jury trying the cause expressly find otherwise. The court shall not order a defendant to pay costs, as described in RCW 10.01.160, if the court finds that the person at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c).

Sec. 11. RCW 9.92.070 and 1987 c 3 s 4 are each amended to read as follows:

Hereafter whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fines, penalties, assessments, fees, and costs, the judge may, in the judge's discretion, provide that such fines, penalties, assessments, fees, and costs may be paid in certain designated installments, or within certain designated period or periods((-and)). If the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall allow for payment

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in certain designated installments or within certain designated periods. If such fines, penalties, assessments, fees, and costs shall be paid by the defendant in accordance with such order no commitment or imprisonment of the defendant shall be made for failure to pay such fine or costs. PROVIDED, that the provisions of this section shall not apply to any sentence given for the violation of any of the liquor laws of this state.

Sec. 12. RCW 10.73.160 and 2015 c 265 s 22 are each amended to read as follows:

(1) The court of appeals, supreme court, and superior courts may require an adult offender convicted of an offense to pay appellate costs.

(2) Appellate costs are limited to expenses specifically incurred by the state in prosecuting or defending an appeal or collateral attack from a criminal conviction. Appellate costs shall not include expenditures to maintain and operate government agencies that must be made irrespective of specific violations of the law. Expenses incurred for producing a verbatim report of proceedings and clerk's papers may be included in costs the court may require a convicted defendant to pay.

(3) Costs, including recoupment of fees for court-appointed counsel, shall be requested in accordance with the procedures contained in Title 14 of the rules of appellate procedure and in Title 9 of the rules for appeal of decisions of courts of limited jurisdiction. An award of costs shall become part of the trial court judgment and sentence.

(4) A defendant who has been sentenced to pay costs and who is not in contumacious default in the payment may at any time after release from total confinement petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the sentencing court may remit all or part of the amount due in costs, ~~((or))~~ modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW 10.101.010(3) (a) through (c).

(5) The parents or another person legally obligated to support a juvenile offender who has been ordered to pay appellate costs and who is not in contumacious default in the payment may at any time petition the court that sentenced the juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the satisfaction of the sentencing court that payment of the amount due will impose manifest hardship on the parents or another person legally obligated to support a juvenile offender or on their immediate families, the sentencing court may remit all or part of the amount due in costs, or may modify the method of payment.

Sec. 13. RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, and the offender is not being supervised by the department, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the nonfinancial conditions or requirements of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own

motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) If the court finds that a violation has been proved, it may impose the sanctions specified in RCW 9.94A.633(1). Alternatively, the court may:

(i) Convert a term of partial confinement to total confinement; or

(ii) Convert community restitution obligation to total or partial confinement; ~~((or-~~

~~(iii) Convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution;))~~

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with a mental health status evaluation and/or outpatient mental health treatment, the court shall seek a recommendation from the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) The state has the burden of showing noncompliance by a preponderance of the evidence;

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the

terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(4) Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement ordered by the court.

((4)) (5) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 14. RCW 9.94A.760 and 2011 c 106 s 3 are each amended to read as follows:

(1) Whenever a person is convicted in superior court, the court may order the payment of a legal financial obligation as part of the sentence. The court may not order an offender to pay costs as described in RCW 10.01.160 if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). An offender being indigent as defined in RCW 10.101.010(3) (a) through (c) is not grounds for failing to impose restitution or the crime victim penalty assessment under RCW 7.68.035. The court must on either the judgment and sentence or on a subsequent order to pay, designate the total amount of a legal financial obligation and segregate this amount among the separate assessments made for restitution, costs, fines, and other assessments required by law. On the same order, the court is also to set a sum that the offender is required to pay on a monthly basis towards satisfying the legal financial obligation. If the court fails to set the offender monthly payment amount, the department shall set the amount if the department has active supervision of the offender, otherwise the county clerk shall set the amount.

(2) Upon receipt of ~~((an offender's monthly))~~ each payment ~~((restitution shall be paid prior to any payments of other monetary obligations. After restitution is satisfied))~~ made by or on behalf of an offender, the county clerk shall distribute the payment ~~((proportionally among all other fines, costs, and assessments imposed, unless otherwise ordered by the court))~~ in the following order of priority until satisfied:

(a) First, proportionally to restitution to victims that have not been fully compensated from other sources;

(b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;

(c) Third, proportionally to crime victims' assessments; and

(d) Fourth, proportionally to costs, fines, and other assessments required by law.

((2)) (3) If the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration, the court may require the offender to pay for the cost of incarceration ~~((at)).~~ The court shall not order the offender to pay the cost of incarceration if the court finds that the offender at the time of sentencing is indigent as defined in RCW 10.101.010(3) (a) through (c). Costs of incarceration ordered by the court shall not exceed a rate of fifty dollars per day of incarceration, if incarcerated in a prison, or the ~~((court may require the offender to pay the))~~ actual cost of incarceration per day of incarceration, if incarcerated in a county jail. In no case may the court require the offender to pay more than one hundred dollars per day for the cost of incarceration. ~~((Payment of other court-ordered financial obligations, including all legal financial obligations and costs of supervision shall take precedence over the payment of the cost of~~

~~incarceration ordered by the court.))~~ All funds recovered from offenders for the cost of incarceration in the county jail shall be remitted to the county and the costs of incarceration in a prison shall be remitted to the department.

((3)) (4) The court may add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction is to be issued immediately. If the court chooses not to order the immediate issuance of a notice of payroll deduction at sentencing, the court shall add to the judgment and sentence or subsequent order to pay a statement that a notice of payroll deduction may be issued or other income-withholding action may be taken, without further notice to the offender if a monthly court-ordered legal financial obligation payment is not paid when due, and an amount equal to or greater than the amount payable for one month is owed.

If a judgment and sentence or subsequent order to pay does not include the statement that a notice of payroll deduction may be issued or other income-withholding action may be taken if a monthly legal financial obligation payment is past due, the department or the county clerk may serve a notice on the offender stating such requirements and authorizations. Service shall be by personal service or any form of mail requiring a return receipt.

((4)) (5) Independent of the department or the county clerk, the party or entity to whom the legal financial obligation is owed shall have the authority to use any other remedies available to the party or entity to collect the legal financial obligation. These remedies include enforcement in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim. The judgment and sentence shall identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or a victim's child born from the rape, the Washington state child support registry shall be identified as the party to whom payments must be made. Restitution obligations arising from the rape of a child in the first, second, or third degree that result in the pregnancy of the victim may be enforced for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial obligations for an offense committed prior to July 1, 2000, may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend the criminal judgment an additional ten years for payment of legal financial obligations including crime victims' assessments. All other legal financial obligations for an offense committed on or after July 1, 2000, may be enforced at any time the offender remains under the court's jurisdiction. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for purposes of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The department may only supervise the offender's compliance with payment of the legal financial obligations during any period in which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is confined in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is not responsible for supervision of the offender during any subsequent period of time the offender remains under

the court's jurisdiction. The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

~~((5))~~ (6) In order to assist the court in setting a monthly sum that the offender must pay during the period of supervision, the offender is required to report to the department for purposes of preparing a recommendation to the court. When reporting, the offender is required, under oath, to respond truthfully and honestly to all questions concerning present, past, and future earning capabilities and the location and nature of all property or financial assets. The offender is further required to bring all documents requested by the department.

~~((6))~~ (7) After completing the investigation, the department shall make a report to the court on the amount of the monthly payment that the offender should be required to make towards a satisfied legal financial obligation.

~~((7))~~ (8)(a) During the period of supervision, the department may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the department sets the monthly payment amount, the department may modify the monthly payment amount without the matter being returned to the court. During the period of supervision, the department may require the offender to report to the department for the purposes of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the department in order to prepare the collection schedule.

(b) Subsequent to any period of supervision, or if the department is not authorized to supervise the offender in the community, the county clerk may make a recommendation to the court that the offender's monthly payment schedule be modified so as to reflect a change in financial circumstances. If the county clerk sets the monthly payment amount, or if the department set the monthly payment amount and the department has subsequently turned the collection of the legal financial obligation over to the county clerk, the clerk may modify the monthly payment amount without the matter being returned to the court. During the period of repayment, the county clerk may require the offender to report to the clerk for the purpose of reviewing the appropriateness of the collection schedule for the legal financial obligation. During this reporting, the offender is required under oath to respond truthfully and honestly to all questions concerning earning capabilities and the location and nature of all property or financial assets. The offender shall bring all documents requested by the county clerk in order to prepare the collection schedule.

~~((8))~~ (9) After the judgment and sentence or payment order is entered, the department is authorized, for any period of supervision, to collect the legal financial obligation from the offender. Subsequent to any period of supervision or, if the department is not authorized to supervise the offender in the community, the county clerk is authorized to collect unpaid legal financial obligations from the offender. Any amount collected by the department shall be remitted daily to the county clerk for the purpose of disbursements. The department and the county clerks are authorized, but not required, to accept credit cards as payment for a legal financial obligation, and any costs incurred related to accepting credit card payments shall be the responsibility of the offender.

~~((9))~~ (10) The department or any obligee of the legal financial obligation may seek a mandatory wage assignment for the

purposes of obtaining satisfaction for the legal financial obligation pursuant to RCW 9.94A.7701. Any party obtaining a wage assignment shall notify the county clerk. The county clerks shall notify the department, or the administrative office of the courts, whichever is providing the monthly billing for the offender.

~~((10))~~ (11) The requirement that the offender pay a monthly sum towards a legal financial obligation constitutes a condition or requirement of a sentence and the offender is subject to the penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740. If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties.

~~((11))~~ (12)(a) The administrative office of the courts shall mail individualized periodic billings to the address known by the office for each offender with an unsatisfied legal financial obligation.

(b) The billing shall direct payments, other than outstanding cost of supervision assessments under RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of probation assessments under RCW 9.95.214, to the county clerk, and cost of supervision, parole, or probation assessments to the department.

(c) The county clerk shall provide the administrative office of the courts with notice of payments by such offenders no less frequently than weekly.

(d) The county clerks, the administrative office of the courts, and the department shall maintain agreements to implement this subsection.

~~((12))~~ (13) The department shall arrange for the collection of unpaid legal financial obligations during any period of supervision in the community through the county clerk. The department shall either collect unpaid legal financial obligations or arrange for collections through another entity if the clerk does not assume responsibility or is unable to continue to assume responsibility for collection pursuant to subsection ~~((4))~~ (5) of this section. The costs for collection services shall be paid by the offender.

~~((13))~~ (14) The county clerk may access the records of the employment security department for the purposes of verifying employment or income, seeking any assignment of wages, or performing other duties necessary to the collection of an offender's legal financial obligations.

~~((14))~~ (15) Nothing in this chapter makes the department, the state, the counties, or any state or county employees, agents, or other persons acting on their behalf liable under any circumstances for the payment of these legal financial obligations or for the acts of any offender who is no longer, or was not, subject to supervision by the department for a term of community custody, and who remains under the jurisdiction of the court for payment of legal financial obligations.

Sec. 15. RCW 9.94B.040 and 2002 c 175 s 8 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) In cases where conditions from a second or later sentence of community supervision begin prior to the term of the second or later sentence, the court shall treat a violation of such conditions as a violation of the sentence of community supervision currently being served.

(3) If an offender fails to comply with any of the nonfinancial requirements or conditions of a sentence the following provisions

apply:

(a) Following the violation, if the offender and the department make a stipulated agreement, the department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, jail time, or other sanctions available in the community.

(ii) Within seventy-two hours of signing the stipulated agreement, the department shall submit a report to the court and the prosecuting attorney outlining the violation or violations, and sanctions imposed. Within fifteen days of receipt of the report, if the court is not satisfied with the sanctions, the court may schedule a hearing and may modify the department's sanctions. If this occurs, the offender may withdraw from the stipulated agreement.

(iii) If the offender fails to comply with the sanction administratively imposed by the department, the court may take action regarding the original noncompliance. Offender failure to comply with the sanction administratively imposed by the department may be considered an additional violation;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community restitution obligation to total or partial confinement, ~~or (iii) ((convert monetary obligations, except restitution and the crime victim penalty assessment, to community restitution hours at the rate of the state minimum wage as established in RCW 49.46.020 for each hour of community restitution, or (iv)))~~ order one or more of the penalties authorized in (a)(i) of this subsection. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court;

(d) If the court finds that the violation was not willful, the court may modify its previous order regarding ~~((payment of legal financial obligations and regarding))~~ community restitution obligations; and

(e) If the violation involves a failure to undergo or comply with mental status evaluation and/or outpatient mental health treatment, the community corrections officer shall consult with the treatment provider or proposed treatment provider. Enforcement of orders concerning outpatient mental health treatment must reflect the availability of treatment and must pursue the least restrictive means of promoting participation in treatment. If the offender's failure to receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(4) If the violation involves failure to pay legal financial obligations, the following provisions apply:

(a) The department and the offender may enter into a stipulated agreement that the failure to pay was willful noncompliance, according to the provisions and requirements of subsection (3)(a) of this section;

(b) In the absence of a stipulated agreement, or where the court is not satisfied with the department's sanctions as provided in a stipulated agreement under (a) of this subsection, the court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(c) The state has the burden of showing noncompliance by a preponderance of the evidence. The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

(d) If the court determines that the offender is homeless or a person who is mentally ill, as defined in RCW 71.24.025, failure to pay a legal financial obligation is not willful noncompliance and shall not subject the offender to penalties;

(e) If the court finds that the failure to pay is willful noncompliance, the court may order the offender to be confined for a period not to exceed sixty days for each violation or order one or more of the penalties authorized in subsection (3)(a)(i) of this section; and

(f) If the court finds that the violation was not willful, the court may, and if the court finds that the defendant is indigent as defined in RCW 10.101.010(3) (a) through (c), the court shall modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty assessment under RCW 7.68.035 may not be reduced, waived, or converted to community restitution hours.

(5) The community corrections officer may obtain information from the offender's mental health treatment provider on the offender's status with respect to evaluation, application for services, registration for services, and compliance with the supervision plan, without the offender's consent, as described under RCW 71.05.630.

~~((§))~~ (6) An offender under community placement or community supervision who is civilly detained under chapter 71.05 RCW, and subsequently discharged or conditionally released to the community, shall be under the supervision of the department of corrections for the duration of his or her period of community placement or community supervision. During any period of inpatient mental health treatment that falls within the period of community placement or community supervision, the inpatient treatment provider and the supervising community corrections officer shall notify each other about the offender's discharge, release, and legal status, and shall share other relevant information.

~~((§))~~ (7) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 16. RCW 3.62.085 and 2005 c 457 s 10 are each amended to read as follows:

Upon conviction or a plea of guilty in any court organized

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under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c). This fee shall be subject to division with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 17. RCW 36.18.020 and 2017 3rd sp.s. c 2 s 3 are each amended to read as follows:

(1) Revenue collected under this section is subject to division with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action, including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of two hundred dollars except, in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of two hundred dollars.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of fifty-three dollars.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of two hundred dollars.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of two hundred dollars.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is

filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which seventy-five percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and twenty-five percent must be retained by the county.

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of thirty dollars must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of forty dollars must be collected.

Sec. 18. RCW 43.43.7541 and 2015 c 265 s 31 are each amended to read as follows:

Every sentence imposed for a crime specified in RCW 43.43.754 must include a fee of one hundred dollars unless the state has previously collected the offender's DNA as a result of a prior conviction. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. For a sentence imposed under chapter 9.94A RCW, the fee is payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. For all other sentences, the fee is payable by the offender in the same manner as other assessments imposed. The clerk of the court shall transmit eighty percent of the fee collected to the state treasurer for deposit in the state DNA database account created under RCW 43.43.7532, and shall transmit twenty percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754. This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.

Sec. 19. RCW 7.68.035 and 2015 c 265 s 8 are each amended to read as follows:

(1)(a) When any person is found guilty in any superior court of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(b) When any juvenile is adjudicated of an offense that is a most serious offense as defined in RCW 9.94A.030, or a sex offense under chapter 9A.44 RCW, there shall be imposed upon the juvenile offender a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be one hundred dollars for each case or cause of action.

(c) When any juvenile is adjudicated of an offense which has a victim, and which is not a most serious offense as defined in RCW 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall order up to seven hours of community restitution, unless the court finds that such an order is not practicable for the offender. This community restitution must be imposed consecutively to any other community restitution the court imposes for the offense.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495,

46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) When any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) Such penalty assessments shall be paid by the clerk of the superior court to the county treasurer (~~who shall monthly transmit the money as provided in RCW 10.82.070~~). Each county shall deposit (~~the~~) one hundred percent of the money it receives per case or cause of action under subsection (1) of this section (~~and retains under RCW 10.82.070~~), not less than one and seventy-five one-hundredths percent of the remaining money it retains under RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and all money it receives under subsection (7) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his or her surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program, the prosecuting attorney shall retain the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a

comprehensive program within one year after submission of a letter of intent under this section, the county treasurer shall monthly transmit one hundred percent of the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the state general fund.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.50.100 and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section.

NEW SECTION. Sec. 20. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations or interest on legal financial obligations.

NEW SECTION. Sec. 21. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and amending RCW 3.62.020; and creating new sections."

Senator Pedersen spoke in favor of adoption of the committee striking amendment.

PARLIAMENTARY INQUIRY

Senator Padden: "Well Mr. President, if, what is the status of the second amendment if this amendment passes or if it fails, will it still be considered?"

REPLY BY THE PRESIDENT

President Habib: "It's, the, Senator Padden has asked what the status of a floor striking amendment, what the status of a floor striking amendment is, were a committee amendment to be adopted. The rule is that one striking amendment may be adopted and so since the, even though the committee made a recommendation, it's not actually a separate striking, it's not treated separately of other striking amendments so if this amendment were adopted it would be the one and only striking amendment."

Senator Padden spoke against adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed Second Substitute House Bill No. 1783.

The motion by Senator Pedersen carried and the committee striking amendment was adopted by rising vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Second Substitute House Bill No. 1783 as amended by the Senate was advanced to third reading, the second reading

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considered the third and the bill was placed on final passage.

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

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1783 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1783 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fortunato, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1783, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Cleveland moved that Susan Birch, Senate Gubernatorial Appointment No. 9339, be confirmed as a Director of the Health Care Authority.

Senators Cleveland, Rivers and Becker spoke in favor of passage of the motion.

APPOINTMENT OF SUSAN BIRCH

The President declared the question before the Senate to be the confirmation of Susan Birch, Senate Gubernatorial Appointment No. 9339, as a Director of the Health Care Authority.

The Secretary called the roll on the confirmation of Susan Birch, Senate Gubernatorial Appointment No. 9339, as a Director of the Health Care Authority and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Susan Birch, Senate Gubernatorial Appointment No. 9339,

having received the constitutional majority was declared confirmed as a Director of the Health Care Authority.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2538, by House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives McBride, Barkis, Appleton, Peterson, Springer, Slatter, Gregerson, Kagi, Wylie, Chapman, Senn, Stanford, Kloba and Santos)

Exempting impact fees for low-income housing development.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, Substitute House Bill No. 2538 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2538.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2538 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Becker, Ericksen, Honeyford and Schoesler

SUBSTITUTE HOUSE BILL NO. 2538, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Blake, Walsh, Pellicciotti, Chapman, Stambaugh and Ormsby)

Concerning enforcement of the electrical laws.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.28.010 and 2001 c 211 s 2 are each amended to read as follows:

(1) All wires and equipment, and installations thereof, that convey electric current and installations of equipment to be operated by electric current, in, on, or about buildings or structures, except for telephone, telegraph, radio, and television wires and equipment, and television antenna installations, signal strength amplifiers, and coaxial installations pertaining thereto shall be in strict conformity with this chapter, the statutes of the state of Washington, and the rules issued by the department, and shall be in conformity with approved methods of construction for safety to life and property. All wires and equipment that fall within section 90.2(b)(5) of the National Electrical Code, 1981 edition, are exempt from the requirements of this chapter. The regulations and articles in the National Electrical Code, the national electrical safety code, and other installation and safety regulations approved by the national fire protection association, as modified or supplemented by rules issued by the department in furtherance of safety to life and property under authority hereby granted, shall be prima facie evidence of the approved methods of construction. All materials, devices, appliances, and equipment used in such installations shall be of a type that conforms to applicable standards or be indicated as acceptable by the established standards of any electrical product testing laboratory which is accredited by the department. Industrial control panels, utilization equipment, and their components do not need to be listed, labeled, or otherwise indicated as acceptable by an accredited electrical product testing laboratory unless specifically required by the National Electrical Code, 1993 edition.

(2) Residential buildings or structures moved into or within a county, city, or town are not required to comply with all of the requirements of this chapter, if the original occupancy classification of the building or structure is not changed as a result of the move. This subsection shall not apply to residential buildings or structures that are substantially remodeled or rehabilitated.

(3) This chapter shall not limit the authority or power of any city or town to enact and enforce under authority given by law, any ordinance, rule, or regulation requiring an equal, higher, or better standard of construction and an equal, higher, or better standard of materials, devices, appliances, and equipment than that required by this chapter. A city or town shall require that its electrical inspectors meet the qualifications provided for state electrical inspectors in accordance with RCW 19.28.321. In a city or town having an equal, higher, or better standard the installations, materials, devices, appliances, and equipment shall be in accordance with the ordinance, rule, or regulation of the city or town.

(4) The officials of all incorporated cities and towns where electrical inspections are required by local ordinances may enforce the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), and applicable licensing and certification rules within their respective jurisdictions. Nothing in this subsection diminishes the authority of the department to enforce the provisions of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), and applicable licensing and certification rules within any city or town.

(5) Electrical equipment associated with spas, hot tubs, swimming pools, and hydromassage bathtubs shall not be offered for sale or exchange unless the electrical equipment is certified as being in compliance with the applicable product safety standard by bearing the certification mark of an approved electrical

products testing laboratory.

~~((4))~~ (6) Nothing in this chapter may be construed as permitting the connection of any conductor of any electric circuit with a pipe that is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of the waterworks piping system.

NEW SECTION. **Sec. 2.** A new section is added to chapter 19.28 RCW to read as follows:

(1) In matters of enforcement of this chapter by officials of incorporated cities and towns where electrical inspections are required by local ordinances, any person, firm, partnership, corporation, or other entity found in violation of RCW 19.28.161 or 19.28.271(1) must be assessed a penalty of not less than fifty dollars or more than five hundred dollars. Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.041(1) must be assessed a penalty of not less than fifty dollars or more than ten thousand dollars. Any person, firm, partnership, corporation, or other entity violating any of the provisions of RCW 19.28.420(1) may be assessed a penalty of not less than one hundred dollars or more than ten thousand dollars per violation. Any penalty issued under this section is subject to review by an appeal to the board, as is provided in RCW 19.28.131. The appeal shall be filed within twenty days after the notice of the penalty is given to the assessed party using a method by which the mailing can be tracked or the delivery can be confirmed, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the department.

(2) No person, firm, partnership, corporation, or other entity may be penalized by both a city or town and the department for the same violation of RCW 19.28.041(1), 19.28.161, 19.28.271(1), 19.28.420(1), or applicable licensing and certification rules.

(3) RCW 19.28.131, 19.28.271 (2) and (3), and 19.28.490 do not apply in matters of enforcement of this chapter by officials of incorporated cities and towns where electrical inspections are required by local ordinances."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 19.28.010; adding a new section to chapter 19.28 RCW; and prescribing penalties."

MOTION

Senator King moved that the following floor amendment no. 762 by Senators Keiser and King be adopted:

On page 2, line 19 of the amendment, after "(4)" strike "The officials of all incorporated" and insert "Incorporated"

On page 3, after line 2 of the amendment, strike all material through "ordinances" on line 29 and insert the following:

"This chapter shall not limit the authority or power of any city or town where electrical inspections are required by local ordinances to enact and enforce under authority given by law, any ordinance, rule, or regulation enforcing the same requirements of this chapter for having or possessing or displaying a license or a certificate, employing certified individuals, supervision of trainees, or duties of an administrator in their respective jurisdictions. Penalties are to be established within the limits provided in this chapter. No person, firm, partnership, corporation, or other entity may be penalized by both a city or town and the department for the same violation. Each day that a person, firm, partnership, corporation, or other entity violates this chapter is a separate violation. Penalties upheld through an appellate process of a city or town may be appealed to the board

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by filing a written notice of appeal to the secretary of the board. All costs of an appeal under this section payable from the electrical license fund shall be reimbursed by the city or town that is party to the matter. The process for service and hearings before the board shall be conducted according to the rules enacted by the department"

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 762 by Senators Keiser and King on page 2, line 19 to the committee striking amendment.

The motion by Senator King carried and floor amendment no. 762 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce as amended to Engrossed Substitute House Bill No. 1952.

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

MOTION

On motion of Senator Keiser, the rules were suspended, Engrossed Substitute House Bill No. 1952 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1952 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1952 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Angel, Braun, Honeyford and Wagoner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1952, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2539, by Representatives Peterson, Griffey, Kloba and Robinson

Concerning public hospital district health and wellness promotion activities and superintendent appointment and removal.

The measure was read the second time.

MOTION

On motion of Senator Takko, the rules were suspended, House Bill No. 2539 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Takko spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2539.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2539 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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

Voting nay: Senators Bailey and Hasegawa

Excused: Senator Nelson

HOUSE BILL NO. 2539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1298, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ortiz-Self, Manweller, Haler, Sells, Kilduff, Frame, Gregerson, Kagi, Tarleton, Jinkins, Stanford, Appleton, Ormsby, Senn, McBride, Santos, Lovick, Bergquist, Farrell and Young)

Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a position.

The measure was read the second time.

MOTION

Senator Saldaña moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Criminal record" includes any record about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

(2) "Employer" includes public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies.

(3) "Otherwise qualified" means that the applicant meets the basic criteria for the position as set out in the advertisement or job

description without consideration of a criminal record.

NEW SECTION. Sec. 2. (1) An employer may not include any question on any application for employment, inquire either orally or in writing, receive information through a criminal history background check, or otherwise obtain information about an applicant's criminal record until after the employer initially determines that the applicant is otherwise qualified for the position. Once the employer has initially determined that the applicant is otherwise qualified, the employer may inquire into or obtain information about a criminal record.

(2) An employer may not advertise employment openings in a way that excludes people with criminal records from applying. Ads that state "no felons," "no criminal background," or otherwise convey similar messages are prohibited.

(3) An employer may not implement any policy or practice that automatically or categorically excludes individuals with a criminal record from consideration prior to an initial determination that the applicant is otherwise qualified for the position. Prohibited policies and practices include rejecting an applicant for failure to disclose a criminal record prior to initially determining the applicant is otherwise qualified for the position.

(4) This section does not apply to:

(a) Any employer hiring a person who will or may have unsupervised access to children under the age of eighteen, a vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable person as defined in RCW 9.96A.060;

(b) Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes;

(c) Employment by a general or limited authority Washington law enforcement agency as defined in RCW 10.93.020 or by a criminal justice agency as defined in RCW 10.97.030(5)(b);

(d) An employer seeking a nonemployee volunteer; or

(e) Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26).

NEW SECTION. Sec. 3. (1) This chapter may not be construed to interfere with, impede, or in any way diminish any provision in a collective bargaining agreement or the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages, standards, and conditions of employment.

(2) This chapter may not be interpreted or applied to diminish or conflict with any requirements of state or federal law, including Title VII of the civil rights act of 1964; the federal fair credit reporting act, 15 U.S.C. Sec. 1681; the Washington state fair credit reporting act, chapter 19.182 RCW; and state laws regarding unsupervised access to children or vulnerable persons, RCW 43.43.830 through 43.43.845.

(3) This chapter may not be interpreted or applied as imposing an obligation on the part of an employer to provide accommodations or job modifications in order to facilitate the employment or continued employment of an applicant or employee with a criminal record or who is facing pending criminal charges.

(4) This chapter may not be construed to discourage or prohibit an employer from adopting employment policies that are more protective of employees and job applicants than the requirements of this chapter.

(5) This chapter may not be construed to interfere with local government laws that provide additional protections to applicants or employees with criminal records, nor does it prohibit local governments from enacting greater protections for such

applicants or employees in the future. Local government laws that provide lesser protections to job applicants with criminal records than this chapter conflict with this chapter and may not be enforced.

(6) This chapter may not be construed to create a private right of action to seek damages or remedies of any kind. The exclusive remedy available under this chapter is enforcement described in section 4 of this act. This chapter does not create any additional liability for employers beyond that enumerated in this chapter.

NEW SECTION. Sec. 4. (1) The state attorney general's office shall enforce this chapter. Its powers to enforce this chapter include the authority to:

(a) Investigate violations of this chapter on its own initiative;

(b) Investigate violations of this chapter in response to complaints and seek remedial relief for the complainant;

(c) Educate the public about how to comply with this chapter;

(d) Issue written civil investigative demands for pertinent documents, answers to written interrogatories, or oral testimony as required to enforce this chapter;

(e) Adopt rules implementing this chapter including rules specifying applicable penalties; and

(f) Pursue administrative sanctions or a lawsuit in the courts for penalties, costs, and attorneys' fees.

(2) In exercising its powers, the attorney general's office shall utilize a stepped enforcement approach, by first educating violators, then warning them, then taking legal, including administrative, action. Maximum penalties are as follows: A notice of violation and offer of agency assistance for the first violation; a monetary penalty of up to seven hundred fifty dollars for the second violation; and a monetary penalty of up to one thousand dollars for each subsequent violation.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 7. Sections 1 through 4, 6, and 8 of this act constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 8. This act may be known and cited as the Washington fair chance act.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2018, in the omnibus appropriations act, this act is null and void."

On page 1, line 3 of the title, after "position;" strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; creating a new section; and prescribing penalties."

MOTION

Senator Baumgartner moved that the following floor amendment no. 780 by Senator Baumgartner be adopted:

On page 1, beginning on line 11 of the amendment, after

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"Employer" strike all material through "agencies" on line 14 and insert "has the same meaning as and shall be interpreted consistent with how that term is defined in RCW 49.60.040, except that for the purposes of this chapter, the threshold of employees must be fifteen or more"

Senator Baumgartner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 780 by Senator Baumgartner on page 1, line 11 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and floor amendment no. 780 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following floor amendment no. 779 by Senator Baumgartner be adopted:

- On page 2, line 20 of the amendment, after ";" strike "or"
- On page 2, line 21 of the amendment, after "(e)" insert "Positions requiring security, fidelity, or similar bonding, or other surety or guarantee that excludes individuals with criminal history from qualifying;
- (f) Positions where contracts with public entities prohibit sending workers with criminal history;
- (g) Positions primarily engaged in door-to-door sales or services at residential properties;
- (h) Positions in a home-based business; or
- (i)"

Senator Baumgartner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 779 by Senator Baumgartner on page 2, line 20 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and floor amendment no. 779 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following floor amendment no. 777 by Senator Baumgartner be adopted:

On page 3, beginning on line 7 of the amendment, after "(5)" strike all material through "(6)" on line 14

On page 4, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 7. The state of Washington fully occupies and preempts the entire field of employment laws related to criminal records and other matters covered within this chapter within the boundaries of the state. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to employment laws related to criminal records and other matters covered within this chapter that are specifically authorized by state law and are consistent with this chapter. Local laws and ordinances in existence on the effective date of this section that are inconsistent with this chapter are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such a city, town, county, or municipality."

Renumber the remaining sections consecutively and correct

any internal references accordingly.

- On page 4, line 16 of the amendment, after "6," insert "7,"
- On page 4, line 16 of the amendment, strike "8" and insert "9"

Senators Baumgartner and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 777 by Senator Baumgartner on page 3, line 7 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and floor amendment no. 777 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 740 by Senator Fortunato be adopted:

On page 3, line 37 of the amendment, after "first violation" insert ", which must allow a ninety-day period to correct the violation before a second violation is assessed"

Senator Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 740 by Senator Fortunato on page 3, line 37 to the committee striking amendment.

The motion by Senator Fortunato did not carry and floor amendment no. 740 was not adopted by voice vote.

MOTION

Senator Baumgartner moved that the following floor amendment no. 776 by Senator Baumgartner be adopted:

On page 4, after line 15 of the amendment, insert the following:

"NEW SECTION. Sec. 7. (1) In order to facilitate any investigation into allegations of violating this chapter, employers shall retain the following records for three years:

- (a) All hiring policies effective at any time during the three years preceding the charge;
- (b) Any and all policies and procedures regarding conducting or using criminal background checks; and
- (c) All job postings, and each version of any job applications utilized. Applications of individuals hired shall serve as a representative sample of the application for each position.

(2) No local government may adopt more stringent record retention requirements, for ordinances dealing with the subject matter of this chapter, except that any such local government ordinance or regulation in existence on the effective date of this section is not affected."

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

- On page 4, line 16 of the amendment, after "6," insert "7,"

Senator Baumgartner spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Saldaña spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 776 by Senator Baumgartner on page 4, after line 15 to the committee striking amendment.

The motion by Senator Baumgartner did not carry and floor amendment no. 776 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Second Substitute House Bill No. 1298.

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

MOTION

On motion of Senator Saldaña, the rules were suspended, Second Substitute House Bill No. 1298 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senators Padden, Wilson and Braun spoke against passage of the bill.

Senator Warnick spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1298 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1298 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Senators Baumgartner, Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Walsh, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Becker, Braun, Brown, Ericksen, Fortunato, Hawkins, Honeyford, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner and Wilson

SECOND SUBSTITUTE HOUSE BILL NO. 1298, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 1889 which it had deferred earlier in the day.

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, by House Committee on Public Safety (originally sponsored by Representatives Pettigrew, Appleton, Peterson, Stanford and Pollet)

Creating an office of the corrections ombuds.

The bill was read on Third Reading.

MOTION

On motion of Senator Liias, the rules were suspended and Engrossed Second Substitute House Bill No. 1889 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Liias, and without objection, the rules were suspended and the vote in which the committee striking amendment by the Committee on Ways & Means passed was reconsidered.

MOTION

Senator Darneille moved that the following floor amendment no. 789 by Senators Darneille and O'Ban be adopted:

On page 1, line 20 of the amendment, after "ombuds" insert "reports directly to the governor and"

On page 1, beginning on line 21 of the amendment, after "secretary." strike all material through "governor." on line 23

On page 4, line 4 of the amendment, after "regarding" insert "any of the following that may adversely affect the health, safety, welfare, and rights of inmates"

On page 7, line 26 of the amendment, after "section." strike all material through "office" and insert "All records exchanged and communications between the office of the corrections ombuds and the department to include the investigative record"

On page 7, line 35 of the amendment, after "(5)" insert "If the ombuds believes it is necessary to reveal investigative records for any of the reasons outlined in section 4 of this act, the ombuds shall provide a copy of what they intend to disclose to the department for review and application of legal exemptions prior to releasing to any other persons."

Senator Darneille spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 789 by Senators Darneille and O'Ban on page 1, line 20 to the committee striking amendment.

The motion by Senator Darneille carried and floor amendment no. 789 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Engrossed Second Substitute House Bill No. 1889.

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

MOTION

On motion of Senator Bailey, Senator Walsh was excused.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Second Substitute House Bill No. 1889 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1889 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed

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Second Substitute House Bill No. 1889 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1889, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570, by House Committee on Appropriations (originally sponsored by Representatives Macri, Robinson, McBride, Kagi, Sawyer, Tharinger, Doglio, Pollet, Ortiz-Self, Chapman, Cody, Jinkins, Bergquist, Hudgins, Peterson, Senn, Stonier, Riccelli, Frame, Gregerson, Dolan, Tarleton, Ormsby, Ryu, Fey, Fitzgibbon, Goodman, Slatter, Pettigrew, Kloba, Orwall, Appleton, Clibborn, Farrell and Stanford)

Concerning access to homeless housing and assistance.

The measure was read the second time.

MOTION

Senator Darneille moved that the following committee striking amendment by the Committee on Human Services & Corrections be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that all of the people of the state should have the opportunity to live in a safe, healthy, and affordable home. The legislature further recognizes that homelessness in Washington is unacceptable and that action needs to be taken to protect vulnerable households including families with children, youth and young adults, veterans, seniors, and people at high risk of homelessness, including survivors of domestic violence and people living with mental illness and other disabilities.

The legislature recognizes that homelessness has immediate and often times long-term consequences on the educational achievement of public school children and disproportionately impacts students of color. Additionally, the legislature recognizes that the health and safety of people experiencing homelessness is immediately and oftentimes significantly compromised, and that homelessness exacerbates physical and behavioral health disabilities. The legislature further recognizes that homelessness is disproportionately experienced by people of color and LGBTQ youth and young adults. The legislature recognizes that homelessness is also disproportionately experienced by people living with mental illness and that homelessness is an impediment to treatment. The legislature further recognizes that homelessness is disproportionately experienced by Native Americans.

In 2005, the Washington state legislature passed the homeless housing and assistance act that outlined several bold policies to address homelessness. That act also required a strategic plan by the department of commerce, which was first submitted in 2006 and subsequently updated. Since the first statewide plan, the state has succeeded in housing over five hundred fifty-six thousand people experiencing homelessness. These people were previously living in places not meant for human habitation, living in emergency shelters, or at imminent risk of becoming homeless. Although the overall prevalence of homelessness is down more than seventeen percent, the recent increase in homelessness, due in large part to surging housing costs, remains a crisis and more must be done.

Therefore, the legislature intends to improve resources available to aid with increasing access and removing barriers to housing for individuals and families in Washington.

Sec. 2. RCW 36.22.179 and 2017 3rd sp.s. c 16 s 5 are each amended to read as follows:

(1) In addition to the surcharge authorized in RCW 36.22.178, and except as provided in subsection ~~((2))~~ (3) of this section, an additional surcharge of ~~((ten))~~ sixty-two dollars shall be charged by the county auditor for each document recorded, which will be in addition to any other charge allowed by law. ~~((From September 1, 2012, through June 30, 2023, the surcharge shall be forty dollars.))~~ Except as provided in subsection (4) of this section, the funds collected pursuant to this section are to be distributed and used as follows:

(a) The auditor shall retain two percent for collection of the fee, and of the remainder shall remit sixty percent to the county to be deposited into a fund that must be used by the county and its cities and towns to accomplish the purposes of chapter 484, Laws of 2005, six percent of which may be used by the county for the collection and local distribution of these funds and administrative costs related to its homeless housing plan, and the remainder for programs which directly accomplish the goals of the county's local homeless housing plan, except that for each city in the county which elects as authorized in RCW 43.185C.080 to operate its own local homeless housing program, a percentage of the surcharge assessed under this section equal to the percentage of the city's local portion of the real estate excise tax collected by the county shall be transmitted at least quarterly to the city treasurer, without any deduction for county administrative costs, for use by the city for program costs which directly contribute to the goals of the city's local homeless housing plan; of the funds received by the city, it may use six percent for administrative costs for its homeless housing program.

(b) The auditor shall remit the remaining funds to the state treasurer for deposit in the home security fund account ~~((?))~~ to be used as follows:

(i) The department may use twelve and one-half percent of this amount for administration of the program established in RCW 43.185C.020, including the costs of creating the statewide homeless housing strategic plan, measuring performance, providing technical assistance to local governments, and managing the homeless housing grant program. ~~((?))~~

(ii) The remaining eighty-seven and one-half percent ~~((?))~~ of this amount must be used as follows:

(A) At least forty-five percent must be set aside for the use of private rental housing payments ~~((?))~~; and ~~((the remainder is))~~

(B) All remaining funds are to be used by the department to:

~~((?))~~ (1) Provide housing and shelter for homeless people including, but not limited to: Grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; grants and vouchers designated for

victims of human trafficking and their families; and emergency shelter assistance; and

~~((iii))~~ (II) Fund the homeless housing grant program.

(2) A county issuing general obligation bonds pursuant to RCW 36.67.010, to carry out the purposes of subsection (1)(a) of this section, may provide that such bonds be made payable from any surcharge provided for in subsection (1)(a) of this section and may pledge such surcharges to the repayment of the bonds.

(3) The surcharge imposed in this section does not apply to (a) assignments or substitutions of previously recorded deeds of trust, (b) documents recording a birth, marriage, divorce, or death, (c) any recorded documents otherwise exempted from a recording fee or additional surcharges under state law, (d) marriage licenses issued by the county auditor, or (e) documents recording a state, county, or city lien or satisfaction of lien ~~(, or (f) documents recording a water sewer district lien or satisfaction of a lien for delinquent utility payments).~~

(4) Ten dollars of the surcharge imposed under subsection (1) of this section must be distributed to the counties to carry out the purposes of subsection (1)(a) of this section.

(5) For purposes of this section, "private rental housing" means housing owned by a private landlord and includes housing owned by a nonprofit housing entity.

Sec. 3. RCW 43.185C.030 and 2013 c 200 s 25 are each amended to read as follows:

(1) The department shall annually conduct a Washington homeless census or count consistent with the requirements of RCW 43.185C.180. The census shall make every effort to count all homeless individuals living outdoors, in shelters, and in transitional housing, coordinated, when reasonably feasible, with already existing homeless census projects including those funded in part by the United States department of housing and urban development under the McKinney-Vento homeless assistance program. The department shall determine, in consultation with local governments, the data to be collected. Data on subpopulations and other characteristics of the homeless must, at a minimum, be consistent with the United States department of housing and urban development's point-in-time requirements.

(2) All personal information collected in the census is confidential, and the department and each local government shall take all necessary steps to protect the identity and confidentiality of each person counted.

(3) The department and each local government are prohibited from disclosing any personally identifying information about any homeless individual when there is reason to believe or evidence indicating that the homeless individual is an adult or minor victim of domestic violence, dating violence, sexual assault, or stalking or is the parent or guardian of a child victim of domestic violence, dating violence, sexual assault, or stalking; or revealing other confidential information regarding HIV/AIDS status, as found in RCW 70.02.220. The department and each local government shall not ask any homeless housing provider to disclose personally identifying information about any homeless individuals when the providers implementing those programs have reason to believe or evidence indicating that those clients are adult or minor victims of domestic violence, dating violence, sexual assault, or stalking or are the parents or guardians of child victims of domestic violence, dating violence, sexual assault, or stalking. Summary data for the provider's facility or program may be substituted.

(4) The Washington homeless census shall be conducted annually on a schedule created by the department. The department shall make summary data by county available to the public each year. This data, and its analysis, shall be included in the department's annual updated homeless housing program strategic plan.

(5) Based on the annual census and provider information from the local government plans, the department shall, by the end of year four, implement an online information and referral system to enable local governments and providers to identify available housing for a homeless person. The department shall work with local governments and their providers to develop a capacity for continuous case management to assist homeless persons.

(6) By the end of year four, the department shall implement an organizational quality management system.

Sec. 4. RCW 43.185C.040 and 2017 3rd sp.s. c 15 s 2 are each amended to read as follows:

(1) ~~((Six months after the first Washington homeless census,))~~ The department shall, in consultation with the interagency council on homelessness ~~((and)),~~ the affordable housing advisory board, and the state advisory council on homelessness, prepare and publish a ~~((ten))~~ five-year homeless housing strategic plan which ~~((shall))~~ must outline statewide goals and performance measures ~~((and shall be coordinated with the plan for homeless families with children required under RCW 43.63A.650)).~~ The state homeless housing strategic plan must be submitted to the legislature by July 1, 2019, and every five years thereafter. The plan must include:

(a) Performance measures and goals to reduce homelessness, including long-term and short-term goals;

(b) An analysis of the services and programs being offered at the state and county level and an identification of those representing best practices and outcomes;

(c) Recognition of services and programs targeted to certain homeless populations or geographic areas in recognition of the diverse needs across the state;

(d) New or innovative funding, program, or service strategies to pursue;

(e) An analysis of either current drivers of homelessness or improvements to housing security, or both, such as increases and reductions to employment opportunities, housing scarcity and affordability, health and behavioral health services, chemical dependency treatment, and incarceration rates; and

(f) An implementation strategy outlining the roles and responsibilities at the state and local level and timelines to achieve a reduction in homelessness at the statewide level during periods of the five-year homeless housing strategic plan.

(2) The department must coordinate its efforts on the state homeless housing strategic plan with the office of homeless youth prevention and protection programs advisory committee under RCW 43.330.705. The state homeless housing strategic plan must not conflict with the strategies, planning, data collection, and performance and outcome measures developed under RCW 43.330.705 and 43.330.706 to reduce the state's homeless youth population.

(3) To guide local governments in preparation of ~~((their first))~~ local homeless housing plans due December ~~((31, 2005))~~ 1, 2019, the department shall issue by ~~((October 15, 2005, temporary))~~ December 1, 2018, guidelines consistent with this chapter and including the best available data on each community's homeless population. ~~((Local governments' ten-year homeless housing plans shall not be substantially inconsistent with the goals and program recommendations of the temporary guidelines and, when amended after 2005, the state strategic plan.~~

(2)) Program outcomes ~~((and)),~~ performance measures, and goals ~~((shall))~~ must be created by the department ~~((and reflected in the department's homeless housing strategic plan as well as interim goals))~~ in collaboration with local governments against state and local governments' performance ~~((may))~~ will be measured ~~((, including:~~

(a) By the end of year one, completion of the first census as

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described in RCW 43.185C.030;

~~(b) By the end of each subsequent year, goals common to all local programs which are measurable and the achievement of which would move that community toward housing its homeless population; and~~

~~(c) By July 1, 2015, reduction of the homeless population statewide and in each county by fifty percent).~~

~~((3)(a) The department shall work in consultation with the interagency council on homelessness, the affordable housing advisory board, and the state advisory council on homelessness to develop performance measures that address the limitations of the annual point in time count on measuring the effectiveness of the document recording fee surcharge funds in supporting homeless programs. The department must report its findings and recommendations regarding the new performance measures to the appropriate committees of the legislature by December 1, 2017.~~

~~(b) The department must implement at least three performance metrics, in addition to the point in time measurement, that measure the impact of surcharge funding on reducing homelessness by July 1, 2018.~~

~~(c) The joint legislative audit and review committee must review how the surcharge fees are expended to address homelessness, including a review of the related program performance measures and targets. The joint legislative audit and review committee must report its review findings by December 1, 2022, and update the review every five years thereafter.)~~

(4) The department shall develop a consistent statewide data gathering instrument to monitor the performance of cities and counties receiving grants in order to determine compliance with the terms and conditions set forth in the grant application or required by the department.

The department shall, in consultation with the interagency council on homelessness and the affordable housing advisory board, report biennially to the governor and the appropriate committees of the legislature an assessment of the state's performance in furthering the goals of the state ~~((ten year))~~ five-year homeless housing strategic plan and the performance of each participating local government in creating and executing a local homeless housing plan which meets the requirements of this chapter. To increase the effectiveness of the report, the department must develop a process to ensure consistent presentation, analysis, and explanation in the report, including year-to-year comparisons, highlights of program successes and challenges, and information that supports recommended strategy or operational changes. The ~~((annual))~~ report may include performance measures such as:

(a) The reduction in the number of homeless individuals and families from the initial count of homeless persons;

(b) The reduction in the number of unaccompanied homeless youth. "Unaccompanied homeless youth" has the same meaning as in RCW 43.330.702;

(c) The number of new units available and affordable for homeless families by housing type;

(d) The number of homeless individuals identified who are not offered suitable housing within thirty days of their request or identification as homeless;

(e) The number of households at risk of losing housing who maintain it due to a preventive intervention;

(f) The transition time from homelessness to permanent housing;

(g) The cost per person housed at each level of the housing continuum;

(h) The ability to successfully collect data and report performance;

(i) The extent of collaboration and coordination among public

bodies, as well as community stakeholders, and the level of community support and participation;

(j) The quality and safety of housing provided; and

(k) The effectiveness of outreach to homeless persons, and their satisfaction with the program.

~~((5) Based on the performance of local homeless housing programs in meeting their interim goals, on general population changes and on changes in the homeless population recorded in the annual census, the department may revise the performance measures and goals of the state homeless housing strategic plan, set goals for years following the initial ten year period, and recommend changes in local governments' plans.))~~

Sec. 5. RCW 43.185C.050 and 2005 c 484 s 8 are each amended to read as follows:

(1) Each local homeless housing task force shall prepare and recommend to its local government legislative authority a ~~((ten))~~ five-year homeless housing plan for its jurisdictional area, which shall be not inconsistent with the department's statewide ~~((temporary))~~ guidelines ~~((for the))~~ issued by December ~~((31, 2005, plan))~~ 1, 2018, and thereafter the department's ~~((ten))~~ five-year homeless housing strategic plan, and which shall be aimed at eliminating homelessness ~~((with a minimum goal of reducing homelessness by fifty percent by July 1, 2015)).~~ The local government may amend the proposed local plan and shall adopt a plan by December ~~((31, 2005))~~ 1, 2019. Performance in meeting the goals of this local plan shall be assessed annually in terms of the performance measures published by the department. Local plans may include specific local performance measures adopted by the local government legislative authority, and may include recommendations for any state legislation needed to meet the state or local plan goals.

(2) Eligible activities under the local plans include:

(a) Rental and furnishing of dwelling units for the use of homeless persons;

(b) Costs of developing affordable housing for homeless persons, and services for formerly homeless individuals and families residing in transitional housing or permanent housing and still at risk of homelessness;

(c) Operating subsidies for transitional housing or permanent housing serving formerly homeless families or individuals;

(d) Services to prevent homelessness, such as emergency eviction prevention programs including temporary rental subsidies to prevent homelessness;

(e) Temporary services to assist persons leaving state institutions and other state programs to prevent them from becoming or remaining homeless;

(f) Outreach services for homeless individuals and families;

(g) Development and management of local homeless plans including homeless census data collection; identification of goals, performance measures, strategies, and costs and evaluation of progress towards established goals;

(h) Rental vouchers payable to landlords for persons who are homeless or below thirty percent of the median income or in immediate danger of becoming homeless; and

(i) Other activities to reduce and prevent homelessness as identified for funding in the local plan.

Sec. 6. RCW 43.185C.060 and 2014 c 200 s 2 are each amended to read as follows:

(1) The home security fund account is created in the state treasury, subject to appropriation. The state's portion of the surcharge established in RCW 36.22.179 and 36.22.1791 must be deposited in the account. Expenditures from the account may be used only for homeless housing programs as described in this chapter. ~~((If an independent audit finds that the department has~~

~~failed to set aside at least forty five percent of funds received under RCW 36.22.179(1)(b) after June 12, 2014, for the use of private rental housing payments, the department must submit a corrective action plan to the office of financial management within thirty days of receipt of the independent audit. The office of financial management must monitor the department's corrective action plan and expenditures from this account for the remainder of the fiscal year. If the department is not in compliance with RCW 36.22.179(1)(b) in any month of the fiscal year following submission of the corrective action plan, the office of financial management must reduce the department's allotments from this account and hold in reserve status a portion of the department's appropriation equal to the expenditures made during the month not in compliance with RCW 36.22.179(1)(b).)~~

(2) The department must distinguish allotments from the account made to carry out the activities in RCW 43.330.167, 43.330.700 through 43.330.715, 43.330.911, 43.185C.010, 43.185C.250 through 43.185C.320, and 36.22.179(1)(b).

(3) The office of financial management must secure an independent expenditure review of state funds received under RCW 36.22.179(1)(b) on a biennial basis. The purpose of the review is to assess the consistency in achieving policy priorities within the private market rental housing segment for housing persons experiencing homelessness. The independent reviewer must notify the department and the office of financial management of its findings. The first biennial expenditure review, for the 2017-2019 fiscal biennium, is due February 1, 2020. Independent reviews conducted thereafter are due February 1st of each even-numbered year.

Sec. 7. RCW 43.185C.160 and 2005 c 485 s 1 are each amended to read as follows:

(1) Each county shall create a homeless housing task force to develop a ~~((ten))~~ five-year homeless housing plan addressing short-term and long-term housing for homeless persons.

Membership on the task force may include representatives of the counties, cities, towns, housing authorities, civic and faith organizations, schools, community networks, human services providers, law enforcement personnel, criminal justice personnel, including prosecutors, probation officers, and jail administrators, substance abuse treatment providers, mental health care providers, emergency health care providers, businesses, real estate professionals, at large representatives of the community, and a homeless or formerly homeless individual.

In lieu of creating a new task force, a local government may designate an existing governmental or nonprofit body which substantially conforms to this section and which includes at least one homeless or formerly homeless individual to serve as its homeless representative. As an alternative to a separate plan, two or more local governments may work in concert to develop and execute a joint homeless housing plan, or to contract with another entity to do so according to the requirements of this chapter. While a local government has the authority to subcontract with other entities, the local government continues to maintain the ultimate responsibility for the homeless housing program within its borders.

A county may decline to participate in the program authorized in this chapter by forwarding to the department a resolution adopted by the county legislative authority stating the intention not to participate. A copy of the resolution shall also be transmitted to the county auditor and treasurer. If a county declines to participate, the department shall create and execute a local homeless housing plan for the county meeting the requirements of this chapter.

(2) In addition to developing a ~~((ten))~~ five-year homeless housing plan, each task force shall establish guidelines consistent

with the statewide homeless housing strategic plan, as needed, for the following:

- (a) Emergency shelters;
- (b) Short-term housing needs;
- (c) Temporary encampments;
- (d) Supportive housing for chronically homeless persons; and
- (e) Long-term housing.

Guidelines must include, when appropriate, standards for health and safety and notifying the public of proposed facilities to house the homeless.

(3) Each county, including counties exempted from creating a new task force under subsection (1) of this section, shall report to the department ~~((of community, trade, and economic development))~~ such information as may be needed to ensure compliance with this chapter, including the annual report required in section 9 of this act.

Sec. 8. RCW 43.185C.010 and 2017 c 277 s 2 are each amended to read as follows:

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

(1) "Administrator" means the individual who has the daily administrative responsibility of a crisis residential center.

(2) "Child in need of services petition" means a petition filed in juvenile court by a parent, child, or the department of social and health services seeking adjudication of placement of the child.

(3) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(4) "Crisis residential center" means a secure or semi-secure facility established pursuant to chapter 74.13 RCW.

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

(6) "Director" means the director of the department of commerce.

(7) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179~~((RCW))~~ and 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(8) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(9) "Homeless housing plan" means the ~~((ten))~~ five-year plan developed by the county or other local government to address housing for homeless persons.

(10) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(11) "Homeless housing strategic plan" means the ~~((ten))~~ five-year plan developed by the department, in consultation with the interagency council on homelessness ~~((and))~~, the affordable housing advisory board, and the state advisory council on homelessness.

(12) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness,

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and sex offenders who are homeless.

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

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(16) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(17) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(18) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(19) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(20) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(21) "Secure facility" means a crisis residential center, or portion thereof, that has locking doors, locking windows, or a secured perimeter, designed and operated to prevent a child from leaving without permission of the facility staff.

(22) "Semi-secure facility" means any facility including, but not limited to, crisis residential centers or specialized foster family homes, operated in a manner to reasonably assure that youth placed there will not run away. Pursuant to rules established by the facility administrator, the facility administrator shall establish reasonable hours for residents to come and go from the facility such that no residents are free to come and go at all hours of the day and night. To prevent residents from taking unreasonable actions, the facility administrator, where appropriate, may condition a resident's leaving the facility upon the resident being accompanied by the administrator or the administrator's designee and the resident may be required to notify the administrator or the administrator's designee of any intent to leave, his or her intended destination, and the probable time of his or her return to the center.

(23) "Staff secure facility" means a structured group care facility licensed under rules adopted by the department of social and health services with a ratio of at least one adult staff member to every two children.

(24) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(25) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

NEW SECTION. Sec. 9. A new section is added to chapter 43.185C RCW to read as follows:

(1) By December 1st of each year, the department must provide an update on the state's homeless housing strategic plan and its activities for the prior fiscal year. The report must include, but not be limited to, the following information:

(a) An assessment of the current condition of homelessness in Washington state and the state's performance in meeting the goals in the state homeless housing strategic plan;

(b) A report on the results of the annual homeless point-in-time census conducted statewide under RCW 43.185C.030;

(c) The amount of federal, state, local, and private funds spent on homelessness assistance, categorized by funding source and the following major assistance types:

(i) Emergency shelter;

(ii) Homelessness prevention and rapid rehousing;

(iii) Permanent housing;

(iv) Permanent supportive housing;

(v) Transitional housing;

(vi) Services only; and

(vii) Any other activity in which more than five hundred thousand dollars of category funds were expended;

(d) A report on the expenditures, performance, and outcomes of state funds distributed through the consolidated homeless grant program, including the grant recipient, award amount expended, use of the funds, counties served, and households served;

(e) A report on state and local homelessness document recording fee expenditure by county, including the total amount of fee spending, percentage of total spending from fees, number of people served by major assistance type, and amount of expenditures for private rental housing payments required in RCW 36.22.179;

(f) A report on the expenditures, performance, and outcomes of the essential needs and housing support program meeting the requirements of RCW 43.185C.220; and

(g) A report on the expenditures, performance, and outcomes of the independent youth housing program meeting the requirements of RCW 43.63A.311.

(2) The report required in subsection (1) of this section must be posted to the department's web site and may include links to updated or revised information contained in the report.

(3) Any local government receiving state funds for homelessness assistance or state or local homelessness document recording fees under RCW 36.22.178, 36.22.179, or 36.22.1791 must provide an annual report on the current condition of homelessness in its jurisdiction, its performance in meeting the goals in its local homeless housing plan, and any significant changes made to the plan. The annual report must be posted on the department's web site. Along with each local government annual report, the department must produce and post information

on the local government's homelessness spending from all sources by project during the prior state fiscal year in a format similar to the department's report under subsection (1)(c) of this section. If a local government fails to report or provides an inadequate or incomplete report, the department must take corrective action, which may include withholding state funding for homelessness assistance to the local government to enable the department to use such funds to contract with other public or nonprofit entities to provide homelessness assistance within the jurisdiction.

Sec. 10. RCW 43.185C.240 and 2015 c 69 s 26 are each amended to read as follows:

(1) As a means of efficiently and cost-effectively providing housing assistance to very-low income and homeless households:

(a) Any local government that has the authority to issue housing vouchers, directly or through a contractor, using document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 must:

(i)(A) Maintain an interested landlord list, which at a minimum, includes information on rental properties in buildings with fewer than fifty units;

(B) Update the list at least once per quarter;

(C) Distribute the list to agencies providing services to individuals and households receiving housing vouchers;

(D) Ensure that a copy of the list or information for accessing the list online is provided with voucher paperwork; and

(E) Communicate and interact with landlord and tenant associations located within its jurisdiction to facilitate development, maintenance, and distribution of the list to private rental housing landlords. The department must make reasonable efforts to ensure that local providers conduct outreach to private rental housing landlords each calendar quarter regarding opportunities to provide rental housing to the homeless and the availability of funds;

(ii) Using cost-effective methods of communication, convene, on a semiannual or more frequent basis, landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers to identify successes, barriers, and process improvements. The local government is not required to reimburse any participants for expenses related to attendance;

(iii) Produce data, limited to document recording fee uses and expenditures, on a ~~((calendar))~~ fiscal year basis in consultation with landlords represented on the interested landlord list and agencies providing services to individuals and households receiving housing vouchers, that include the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; amount expended on and number of other tenant-based rent assistance services provided in the private market; and amount expended on and number of services provided to unaccompanied homeless youth. If these data elements are not readily available, the reporting government may request the department to use the sampling methodology established pursuant to (c)(iii) of this subsection to obtain the data; and

(iv) Annually submit the ~~((calendar))~~ fiscal year data to the department ~~((by October 1st, with preliminary data submitted by October 1, 2012, and full calendar year data submitted beginning October 1, 2013)).~~

(b) Any local government receiving more than three million five hundred thousand dollars during the previous ~~((calendar))~~ fiscal year from document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, must apply to the Washington state quality award program, or similar Baldrige assessment organization, for an independent assessment of its quality management, accountability, and performance system. The first assessment may be a lite assessment. After submitting an application, a local government is required to reapply at least every two years.

(c) The department must:

(i) Require contractors that provide housing vouchers to distribute the interested landlord list created by the appropriate local government to individuals and households receiving the housing vouchers;

(ii) Convene a stakeholder group by March 1, 2017, consisting of landlords, homeless housing advocates, real estate industry representatives, cities, counties, and the department to meet to discuss long-term funding strategies for homeless housing programs that do not include a surcharge on document recording fees. The stakeholder group must provide a report of its findings to the legislature by December 1, 2017;

(iii) Develop a sampling methodology to obtain data required under this section when a local government or contractor does not have such information readily available. The process for developing the sampling methodology must include providing notification to and the opportunity for public comment by local governments issuing housing vouchers, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers;

(iv) Develop a report, limited to document recording fee uses and expenditures, on a ~~((calendar))~~ fiscal year basis that may include consultation with local governments, landlord association representatives, and agencies providing services to individuals and households receiving housing vouchers, that includes the following: Total amount expended from document recording fees; amount expended on, number of households that received, and number of housing vouchers issued in each of the private, public, and nonprofit markets; amount expended on, number of households that received, and number of housing placement payments provided in each of the private, public, and nonprofit markets; amount expended on and number of eviction prevention services provided in the private market; the total amount of funds set aside for private rental housing payments as required in RCW 36.22.179(1)(b); and amount expended on and number of other tenant-based rent assistance services provided in the private market. The information in the report must include data submitted by local governments and data on all additional document recording fee activities for which the department contracted that were not otherwise reported. The data, samples, and sampling methodology used to develop the report must be made available upon request and for the audits required in this section;

(v) Annually submit the ~~((calendar))~~ fiscal year report to the legislature by December ~~((15th, with a preliminary report submitted by December 15, 2012, and full calendar year reports submitted beginning December 15, 2013))~~ 1st of each year; and

(vi) Work with the Washington state quality award program, local governments, and any other organizations to ensure the appropriate scheduling of assessments for all local governments meeting the criteria described in subsection (1)(b) of this section.

(d) The office of financial management must secure an independent audit of the department's data and expenditures of state funds received under RCW 36.22.179(1)(b) on an annual basis. The independent audit must review a random sample of local governments, contractors, and housing providers that is geographically and demographically diverse. The independent

auditor must meet with the department and a landlord representative to review the preliminary audit and provide the department and the landlord representative with the opportunity to include written comments regarding the findings that must be included with the audit. The first audit of the department's data and expenditures will be for calendar year 2014 and is due July 1, 2015. Each audit thereafter will be due July 1st following the department's submission of the report to the legislature. If the independent audit finds that the department has failed to set aside at least forty-five percent of the funds received under RCW 36.22.179(1)(b) after June 12, 2014, for private rental housing payments, the independent auditor must notify the department and the office of financial management of its finding. In addition, the independent auditor must make recommendations to the office of financial management and the legislature on alternative means of distributing the funds to meet the requirements of RCW 36.22.179(1)(b).

(e) The office of financial management must contract with an independent auditor to conduct a performance audit of the programs funded by document recording surcharge funds collected pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791. The audit must provide findings to determine if the funds are being used effectively, efficiently, and for their intended purpose. The audit must review the department's performance in meeting all statutory requirements related to document recording surcharge funds including, but not limited to, the data the department collects, the timeliness and quality of required reports, and whether the data and required reports provide adequate information and accountability for the use of the document recording surcharge funds. The audit must include recommendations for policy and operational improvements to the use of document recording surcharges by counties and the department. The performance audit must be submitted to the legislature by December 1, 2016.

(2) For purposes of this section:

(a) "Housing placement payments" means one-time payments, such as first and last month's rent and move-in costs, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made to secure a unit on behalf of a tenant.

(b) "Housing vouchers" means payments, including private rental housing payments, funded by document recording surcharges collected pursuant to RCW 36.22.178, 36.22.179, or 36.22.1791 that are made by a local government or contractor to secure: (i) A rental unit on behalf of an individual tenant; or (ii) a block of units on behalf of multiple tenants.

(c) "Interested landlord list" means a list of landlords who have indicated to a local government or contractor interest in renting to individuals or households receiving a housing voucher funded by document recording surcharges.

(d) "Private rental housing" means housing owned by a private landlord and ~~((does not))~~ includes housing owned by a nonprofit housing entity ~~((or government entity))~~.

(3) This section expires June 30, 2019.

NEW SECTION. Sec. 11. This act may be known and cited as the Washington housing opportunities act."

On page 1, line 2 of the title, after "assistance;" strike the remainder of the title and insert "amending RCW 36.22.179, 43.185C.030, 43.185C.040, 43.185C.050, 43.185C.060, 43.185C.160, 43.185C.010, and 43.185C.240; adding a new section to chapter 43.185C RCW; and creating new sections."

MOTION

Senator Fain moved that the following floor amendment no.

770 by Senator Fain be adopted:

On page 2, line 3 after "homelessness is down" strike "more than seventeen percent" and insert "by four percent statewide"

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

Senator Fain spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Darneille spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 770 by Senator Fain on page 2, line 3 to the committee striking amendment.

The motion by Senator Fain did not carry and floor amendment no. 770 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Zeiger and without objection, floor amendment no. 753 by Senator Zeiger on page 2, line 13 to the committee striking amendment was withdrawn.

On page 2, line 13, after "of ~~((ten))~~" strike "sixty-two" and insert "forty"

On page 2, line 15, after "law." insert "From September 1, 2012, through June 30, 2028, the surcharge shall be sixty-two dollars."

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

MOTION

Senator Zeiger moved that the following floor amendment no. 765 by Senator Zeiger be adopted:

On page 2, line 13, after "~~((ten))~~" strike "sixty-two" and insert "forty"

On page 2, line 15, after "law." strike all material through "~~dollars.))~~" on line 16 and insert "From September 1, 2012, through June 30, ~~((2023))~~ 2028, the surcharge shall be ~~((forty))~~ sixty-two dollars.

Senators Zeiger, Angel and Miloscia spoke in favor of adoption of the amendment to the committee striking amendment.

Senators Darneille and Fain spoke against adoption of the amendment to the committee striking amendment.

MOTION

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Zeiger on page 2, line 13, to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Zeiger and the amendment was not adopted by the following vote: Yeas, 23; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford,

King, Miloscia, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senator Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fain and without objection, floor amendment no. 773 by Senator Fain on page 2, line 13 to the committee striking amendment was withdrawn.

On page 2, line 13, after "of ((~~ten~~))" strike "sixty-two" and insert "ten"

On page 2, line 15, after "law." insert "From September 1, 2012, through June 30, 2024, the surcharge shall be sixty-two dollars."

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

MOTION

Senator Miloscia moved that the following floor amendment no. 768 by Senator Miloscia be adopted:

On page 3, beginning on line 22, after "(2)" strike all material through "(3)" on line 27

Senator Miloscia spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 768 by Senator Miloscia on page 3, line 22 to the committee amendment.

The motion by Senator Miloscia did not carry and floor amendment no. 768 was not adopted by voice vote.

MOTION

Senator Schoesler moved that the following floor amendment no. 782 by Senator Schoesler be adopted:

On page 4, beginning on line 2, after "landlord" strike the remainder of section 2

On page 4, line 2, after "landlord" insert "."

Renumber the remaining sections consecutively and correct any internal references accordingly

Senator Schoesler spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Mullet spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 782 by Senator Schoesler on page 4, line 2 to the committee striking amendment.

The motion by Senator Schoesler did not carry and floor amendment no. 782 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Human Services & Corrections to Engrossed Second Substitute House Bill No. 1570.

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

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Second Substitute House Bill No. 1570 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Darneille and Miloscia spoke in favor of passage of the bill.

Senators Schoesler, Angel and Sheldon spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1570 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1570 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1570, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2669, by Representatives Doglio, Ormsby, Hudgins, Valdez, Fitzgibbon, Jinkins, Goodman, Macri, Ortiz-Self, Stanford, Ryu and Pollet

Adding part-time employees to state civil service.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, House Bill No. 2669 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Hasegawa spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2669.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2669 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland,

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Conway, Darneille, Dhingra, Fortunato, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

HOUSE BILL NO. 2669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 7:33 p.m., on motion of Senator Lias, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 9:45 p.m. by President Habib.

SECOND READING

HOUSE BILL NO. 2751, by Representatives Stonier, Valdez, Kloba, Macri, Stanford, Appleton, Jinkins, Fitzgibbon, Bergquist, Goodman, Gregerson, Doglio, Pollet and Frame

Concerning the deduction of union dues and fees.

The measure was read the second time.

MOTION

Senator Keiser moved that the following committee striking amendment by the Committee on Labor & Commerce be not adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the~~

monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ~~((such))~~ the bargaining unit's exclusive bargaining representative, the ~~((public))~~ employer shall deduct from the ~~((pay of such public))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt~~

~~of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2))~~ (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ~~((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative

of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining~~

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~~membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) ~~Upon the written authorization of ((any symphony musician)) an employee~~ within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ~~((pay of the symphony musician)) payments to the employee~~ the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues)) same~~ to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ~~((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))~~

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the

employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

The President declared the question before the Senate to be not adopt the committee striking amendment by the Committee on Labor & Commerce to House Bill No. 2751.

The motion by Senator Keiser carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 769 by Senator Short be adopted:

Beginning on page 1, line 5, strike all of sections 1 through 4
Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 7, line 21, strike all of section 6
Correct any internal references accordingly.

On page 1, line 2 of the title, after "RCW" strike the remainder of the title and insert "41.80.100."

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 769 by Senator Short on page 1, line 5 to House Bill No. 2751.

The motion by Senator Short did not carry and floor amendment no. 769 was not adopted by voice vote.

MOTION

Senator Angel moved that the following 766 floor amendment no. 766 by Senator Angel be adopted:

On page 8, after line 3, insert the following:

"**Sec. 7.** RCW 19.86.070 and 1961 c 216 s 7 are each amended to read as follows:

(1) The labor of a human being is not a commodity or article of commerce. Nothing contained in this chapter shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof.

(2) This section does not prevent the attorney general or any injured person from bringing a civil action under this chapter against an exclusive bargaining representative that collects union dues without prior written authorization from the employees of its bargaining units for engaging in any unfair or deceptive acts prohibited by this chapter.

On page 1, at the beginning of line 3 of the title, strike "and 49.39.080" and insert "49.39.080, and 19.86.070"

Senator Angel spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of 766floor amendment no. 766 by Senator Angel on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Angel did not carry and 766floor amendment no. 766 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 771 by Senator Short be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. **Sec. 7.** A new section is added to chapter 41.58 RCW to read as follows:

(1) No exclusive bargaining representative may receive dues or fees unless the exclusive bargaining representative submits a report to the commission containing the following:

(a) The name of the employee organization, its mailing address, and any other address at which it maintains its principal office or at which it keeps records;

(b) The name and title of each of its officers; and

(c) Detailed statements regarding the provisions made and procedures followed with respect to each of the following:

(i) Qualifications for, or restrictions on, membership;

(ii) Levying of assessments;

(iii) Participating in insurance or other benefit plans;

(iv) Authorization for disbursement of funds of the employee organization;

(v) Audit of financial transactions of the employee organization;

(vi) The calling of regular and special meetings;

(vii) The selection of officers and agents;

(viii) Discipline or removal of officers or agents;

(ix) Fines, suspensions, and expulsions of members, including the grounds for such actions and any provision made for notice, hearing, judgment, and appeal;

(x) Authorization for bargaining demands; and

(xi) Ratification of contract terms.

(2) Any change in the information required by subsection (1) of this section must be reported to the commission at the time the employee organization files with the commission the annual

financial report required in subsection (3) of this section.

(3) No exclusive bargaining representative representing one hundred or more employees may collect dues for fees unless it annually files with the commission a financial report signed by its president or treasurer or corresponding principal officers containing the following information in such detail as may be necessary to accurately disclose its financial condition and operations for its preceding fiscal year:

(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Salary, allowances, and other direct or indirect disbursements including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than ten thousand dollars in the aggregate from such labor organization and any other labor organization affiliated with it or with which it is affiliated, or which is affiliated with the same national or international labor organization;

(d) Direct and indirect loans made to any officer, employee, or member, which aggregated more than two hundred fifty dollars during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment;

(e) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment; and

(f) Other disbursements made by it including the purposes thereof, all in such categories as the commission may prescribe.

(4) The commission may adopt rules to ensure that the reports required under subsections (1) and (3) of this section are consistent with the reporting requirements established by the labor management reporting and disclosure act of 1959 and the regulations adopted under that act.

(5) The employee organization must make copies of reports or other documents filed under subsections (1) and (3) of this section available to every employee in the bargaining unit, and must annually notify every employee in the bargaining unit that the reports are available on the web site maintained by the commission.

(6) The commission shall preserve the statements or reports filed under subsections (1) and (3) of this section for a minimum of ten years. The contents of the reports and documents filed with the commission under subsections (1) and (3) of this section are public information and must be made available to the public in the following manner: By ninety days after the effective date of this section, the commission must operate a web site or contract for the operation of a web site that allows public access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under subsections (1) and (3) of this section.

(7) The commission may determine whether a violation of this section has occurred. The commission may issue and enforce an order subject to the following:

(a) If the commission finds that an employee organization has violated this section by failing or refusing to prepare the reports as required in subsections (1) and (3) of this section or by preparing an incomplete or inaccurate report, the commission must issue an order compelling compliance and assess a fifty dollar fine for each day each report is overdue; and

(b) The commission may make determinations and issue and enforce orders at its own discretion or as a response to a petition filed by the employer, any employee in the bargaining unit, or any member of the general public. The commission may refer matters of compliance to the state attorney general or other enforcement agency.

(8) Any person who willfully violates this section must be fined an amount not exceeding ten thousand dollars.

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(9) Any person who knowingly makes a false statement or representation of a material fact or who knowingly fails to disclose a material fact, in any document, report, or other information required under this section must be fined an amount not exceeding ten thousand dollars.

(10) Any person who willfully makes a false entry in or willfully conceals, withholds, or destroys any books, records, reports, or statements required to be kept by this section must be fined not more than ten thousand dollars.

(11) Each individual required to sign reports under subsections (1) and (3) of this section is personally responsible for the filing of those reports and for any false statement that the individual knows is false contained in the reports.

(12) An employee organization may satisfy the reporting requirements under subsections (1) and (3) of this section by filing with the commission copies of the reports required to be filed with the United States department of labor under the labor management reporting and disclosure act."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080; adding a new section to chapter 41.58 RCW; and prescribing penalties."

Senators Short and Becker spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 771 by Senator Short on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Short did not carry and floor amendment no. 771 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 772 by Senator Short be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

The commission must require any exclusive bargaining representative that receives any dues or fees under this act without the written authorization of the employee to submit a report to the commission annually that includes:

(1) The language in the collective bargaining agreement that authorizes such withholdings;

(2) The employer that is responsible for withholding the dues or fees from its employees' pay; and

(3) The number of people in the bargaining unit that are subject to the union security clause."

On page 1, line 1 of the title, after "fees;" strike "and" and on line 3, after "49.39.080" insert "; and adding a new section to chapter 41.58 RCW"

Senator Short spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 772 by Senator Short on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Short did not carry and floor amendment no. 772 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no.

786 by Senator Braun be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

No exclusive bargaining representative may receive dues or fees under this act unless the exclusive bargaining representative submits a copy of its collective bargaining agreement to the public employment relations commission for the commission to post on its public web site."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080; and adding a new section to chapter 41.58 RCW."

Senators Braun and Becker spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

MOTION

On motion of Senator Braun, floor amendment no. 786 was withdrawn.

MOTION

Senator Short moved that the following floor amendment no. 805 by Senator Short be adopted:

On page 8, after line 3, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 41.58 RCW to read as follows:

(1) The commission must prepare a notice that describes a public employee's rights under state and federal laws, including relevant case law, regarding membership and nonmembership in employee organizations, deduction authorizations, nonpayment of union dues or fees, religious objection to union membership, and an exclusive bargaining representative's responsibilities to members and nonmembers.

(2) The notice must be updated annually and provide the notice to the public employers under the commission's jurisdiction. The commission must also post the notice on its public web site."

On page 1, line 1 of the title, after "fees;" strike "and" and on line 3, after "49.39.080" insert "; and adding a new section to chapter 41.58 RCW"

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

Senator Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 805 by Senator Short on page 8, after line 3 to House Bill No. 2751.

The motion by Senator Short did not carry and floor amendment no. 805 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking floor amendment no. 764 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

~~(1) (Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide ((religious tenets or teachings of a church or religious body of which such employee is a member)) personally held religious beliefs shall pay ((to a nonreligious charity or other charitable organization)) an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative to any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization. A public employee may secure the right of nonassociation based upon religious beliefs at any time.~~

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly

amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 3. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide ((religious tenets or teachings of a church or religious body of which such public employee is a member)) personally held religious beliefs. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to ((a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee)) any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The public employee shall furnish written proof that such payment has been made. ((If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.)) A public employee may secure the right of nonassociation based upon religious beliefs at any time. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents((-)) including, but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail((-);

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

Sec. 4. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by

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~~agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 5. RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide ~~((religious tenets or teachings of a church or religious body of which such employee is a member))~~ personally held religious beliefs. Such employee shall pay an amount of money equivalent to regular dues and fees to ~~((a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees))~~ any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The employee shall furnish written proof that such payment has been made. ~~((If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.))~~ An employee may secure the right of nonassociation based upon religious beliefs at any time.

Sec. 6. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee~~

~~authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide ((religious tenets or teachings of a church or religious body of which such faculty member is a member)) personally held religious beliefs shall pay ((to a nonreligious charity or other charitable organization an amount of money equivalent to)) the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative((-The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees)) to any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The faculty member shall furnish written proof that such payments have been made. ((If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.)) A faculty member may secure the right of nonassociation based upon religious beliefs at any time.

Sec. 7. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the

membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide ~~((religious tenets, or teachings of a church or religious body of which the employee is a member,))~~ personally held religious beliefs shall, as a condition of employment, ~~((make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization))~~ pay an amount of money equivalent to regular dues and fees to any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The employee shall furnish written proof that such payment has been made. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization. An employee may secure the right of nonassociation based upon religious beliefs at any time.

(3) ~~((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 8. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ~~((any symphony musician))~~ an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the

~~((pay of the symphony musician))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues))~~ same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

Sec. 9. RCW 49.39.090 and 2010 c 6 s 10 are each amended to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions. However, nothing in this section authorizes a closed shop provision. Agreements involving union security provisions must safeguard the right of nonassociation of employees based on bona fide ~~((religious tenets or teachings of a church or religious body of which the symphony musician is a member))~~ personally held religious beliefs. The symphony musician must pay an amount of money equivalent to regular union dues and initiation fee to ~~((a nonreligious charity or to another charitable organization mutually agreed upon by the symphony musician affected and the bargaining representative to which the symphony musician would otherwise pay the dues and initiation fee))~~ any employee-selected charity that is participating in the Washington state combined fund drive program authorized in RCW 41.04.0331. The symphony musician must furnish written proof that the payment has been made. ~~((If the symphony musician and the bargaining representative do not reach agreement on this matter, the commission must designate the charitable organization.))~~ A symphony musician may revoke authorization for the deduction of dues and fees and secure the right of nonassociation based upon religious beliefs at any time;

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.56.122, 41.59.060, 41.59.100, 41.76.045, 41.80.100, 49.39.080, and 49.39.090."

Senator O'Ban spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 764 by Senator O'Ban to House Bill No. 2751.

The motion by Senator O'Ban did not carry and striking floor amendment no. 764 was not adopted by voice vote.

MOTION

Senator Short moved that the following striking floor amendment no. 774 by Senator Short be adopted:

Strike everything after the enacting clause and insert the

following:

Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.~~

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.~~

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an

employee within the bargaining unit and after the certification or recognition of ~~((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.~~

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would

otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization-)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other

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than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) If an employee provides written notice to stop the withholding of dues or fees from his or her pay the employer must stop deducting from the employee's pay within forty-five days of receiving the notice."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, and 49.39.080."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 774 by Senator Short to House Bill No. 2751.

The motion by Senator Short did not carry and striking floor amendment no. 774 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking floor amendment no. 788 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining

representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (c)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (d) does not apply to the exclusive bargaining representative.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive

bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (a) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (b) does not apply to the exclusive bargaining representative.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the

employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (c)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (d) does not apply to the exclusive bargaining representative.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the

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employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~(Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ~~((any symphony musician))~~ an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ~~((pay of the symphony musician))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues))~~ same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (a) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (b) does not apply to the exclusive bargaining representative.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ~~((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))~~

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the

agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The employer shall be held harmless for any damages arising from the deduction of dues or fees from an employee's pay subject to a union security clause under (b)(i) of this subsection if such deduction is found to violate any rights of the employee guaranteed under state or federal law. However, this subsection (c) does not apply to the exclusive bargaining representative.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 788 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking floor amendment no. 788 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking floor amendment no. 787 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~((2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or~~

~~other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~((3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (c)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.~~

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ~~((such))~~ the bargaining unit's exclusive bargaining representative, the ~~((public))~~ employer shall deduct from the ~~((pay of such public))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other

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than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (a) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (b)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) ((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this~~

~~chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2))~~ (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

~~(3))~~ (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (c)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning

of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~(Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (b)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled

to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ~~((any symphony musician))~~ an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ~~((pay of the symphony musician))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ~~((dues))~~ same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (a) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other rights under federal law or relevant case law pertaining to the payment of union dues or fees.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ~~((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))~~

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) An employer that automatically deducts any dues or fees from an employee's pay pursuant to (b)(i) of this subsection must provide annual notice to the employee of his or her right to give or withdraw his or her consent for the withholding and any other

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rights under federal law or relevant case law pertaining to the payment of union dues or fees.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 787 by Senator Braun on page , line to House Bill No. 2751.

The motion by Senator Braun did not carry and striking floor amendment no. 787 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking floor amendment no. 790 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ~~((such))~~ the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ~~((pay of such public))~~ payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) (The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

~~(1) (Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.)~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. (If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.)~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(d) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization-)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining

representative.

(2)(a) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (a)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(b) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c) The amount of an agency shop fee required by a union security provision agreed to under this section must be equivalent to or less than a pro rata share of estimated expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not

reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 790 by Senator Braun on page , line to House Bill No. 2751.

The motion by Senator Braun did not carry and striking floor amendment no. 790 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking floor amendment no. 791 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the~~

employee.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ((any public)) an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively

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through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) ~~((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.))~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such~~

~~deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2))~~ (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

~~(3))~~ (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to

the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) ~~(Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.)~~ (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

(5)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive

bargaining representative and reasonable attorneys' fees and costs.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any—symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer

must make such deductions upon written authorization of the employee.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

(4)(a) No due or fee received by an exclusive bargaining representative pursuant to this section may be used to fund any political committee or candidate, or to influence any ballot proposition, as defined under RCW 42.17A.005.

(b) Any employee whose dues or fees paid to an exclusive bargaining representative are used in a way that violates (a) of this subsection may file a cause of action in superior court. The superior court may award the employee damages up to triple the amount of the dues or fees paid by the employee to the exclusive bargaining representative and reasonable attorneys' fees and costs."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

Senators Braun and Becker spoke in favor of adoption of the striking amendment.

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 791 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking floor amendment no. 791 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking floor amendment no. 792 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.58 RCW to read as follows:

(1) The commission must establish a task force to examine the liability for automatic payroll deductions for the payment of dues or fees to an exclusive bargaining representative, the nature of the exclusive bargaining representatives receiving the payroll deductions, and the relationship between automatic payroll deductions for the payment of dues or fees to an exclusive bargaining representative and the civil rights of the employees.

- (2) To the extent practicable, the task force must include:
 - (a) A representative from the commission;
 - (b) A representative from labor organizations;
 - (c) A representative from the governor's office;
 - (d) A representative from the office of the attorney general;
 - (e) A representative from a nonprofit organization whose primary purpose is to advance individual liberty and to promote government accountability; and
 - (f) Any other subject matter experts the commission deems

necessary."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and adding a new section to chapter 41.58 RCW."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 792 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking floor amendment no. 792 was not adopted by voice vote.

MOTION

Senator Braun moved that the following striking floor amendment no. 793 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.36 RCW to read as follows:

In accordance with section 14(b) of the labor management relations act of 1947:

(1) No person may be required to become or remain a member of a labor organization as a condition of employment, nor may any person be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of employment.

(2) No person, employer, labor organization, or contract may limit or restrict an employee's right to join or resign membership in a labor organization at any time.

(3) No employer may deduct dues, fees, assessments, or other charges from the pay of an employee on behalf of a labor organization without the voluntary, written authorization of the employee. No such employee authorization may be irrevocable for a period of more than one year.

(4) Nothing in this section prevents a labor organization from negotiating a contract with an employer that applies only to those employees who elect to become members of the labor organization, to the extent permitted by federal law.

(5) It is unlawful for any person, labor organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of this section.

(6) A person who violates this section is liable to a person who suffers from that violation for all resulting damages.

(7)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts shall grant injunctive relief when a violation of this section is made apparent.

(8) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the

county who shall hear all proceedings in the action.

(9) Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the provisions of this section is void and unenforceable.

(10) This section does not apply to employers, employees, or labor organizations governed by chapter 28B.52, 41.56, 41.59, 41.76, 41.80, 47.64, 49.39, 49.66, or 53.18 RCW.

(11) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing contract or collective bargaining agreement. This section applies to all contracts entered into after the effective date of this section and shall apply to any renewal or extension of any existing contract or collective bargaining agreement.

Sec. 2. RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. ((Such employee authorization shall not be irrevocable for a period of more than one year.)) Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. An employee may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

(2) A collective bargaining agreement may not include union security provisions ~~((, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~((3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization)).~~

(3) No employee may be required to become or remain a member of an employee organization as a condition of employment, nor may any employee be required to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

(4) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's

or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by this section.

(5) A person who violates the rights of employees in this section is liable to a person who suffers from that violation for all resulting damages.

(6)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts shall grant injunctive relief when a violation of this section is made apparent.

(7) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(8) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates this section is void and unenforceable.

Sec. 3. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

Only upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. An employee may revoke his or her authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

Sec. 4. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Only upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. An individual provider, family child care provider, adult family home provider, or language access provider may revoke its authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that((:

~~((i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~((ii) Includes requirements for)) permits deductions of payments other than the deduction under (a)((~~+~~)) of this subsection, the~~

state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions only upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider. An individual provider, family child care provider, adult family home provider, or language access provider may revoke its authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.))~~

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

~~((a))~~ Only upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

~~((i))~~ (a) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; ~~(and~~

~~((ii))~~ (b) A record showing that dues have been deducted as specified in (a)~~((i))~~ of this subsection be provided to the state~~(;~~

~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the~~

~~payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~((ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state); and~~

(c) A language access provider may revoke its authorization for such deductions at any time by notifying the public employer or exclusive bargaining representative in writing.

Sec. 5. RCW 41.56.122 and 1975 1st ex.s. c 296 s 22 are each amended to read as follows:

A collective bargaining agreement may~~((~~
~~(4))~~ not contain union security provisions~~((; PROVIDED, That nothing in this section shall authorize a closed shop provision; PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail)).~~

(2) No public employee may be required to become or remain a member of a bargaining representative as a condition of employment, nor may any public employee be required to pay any dues, fees, or other charges to a bargaining representative as a condition of employment.

(3) A collective bargaining agreement may provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

NEW SECTION. Sec. 6. A new section is added to chapter 41.56 RCW to read as follows:

(1) It is unlawful for any person, bargaining representative, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a public employee or prospective public employee, or a public employee's or prospective public employee's parents, spouse, children, grandchildren, or any other persons residing in the public employee's or prospective public employee's home, or by any damage or threatened damage to a public employee's or prospective public employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a bargaining representative or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of RCW 41.56.110, 41.56.113, 41.56.120, and this section.

(2) A person who violates the rights of public employees in RCW 41.56.110, 41.56.113, 41.56.120, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 41.56.110, 41.56.113, 41.56.120, or this section.

(b) The superior courts shall grant injunctive relief when a

violation of RCW 41.56.110, 41.56.113, 41.56.120, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any bargaining representative and public employer that violates the provisions of this chapter is void and unenforceable.

NEW SECTION. Sec. 7. A new section is added to chapter 41.56 RCW to read as follows:

Nothing contained in RCW 41.56.110, 41.56.113, 41.56.122, and section 6 of this act may be construed to prevent a bargaining representative of: (1) Uniformed personnel; (2) employees of fire departments of public employers who dispatch exclusively fire or emergency medical services; or (3) officers of the Washington state patrol from entering into a collective bargaining agreement with a public employer that requires employees to pay, as a condition of employment, an agency shop fee equivalent to or less than a pro rata share of the exclusive bargaining representative's expenditures for purposes germane to collective bargaining, contract administration, and grievance adjustment.

Sec. 8. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities (~~except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter~~).

(2) The exclusive bargaining representative (~~shall have~~) has the right to have deducted from the salary of employees, only upon receipt of an appropriate authorization form (~~which shall not be irrevocable for a period of more than one year~~), an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative (~~unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit~~). An employee may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

Sec. 9. RCW 41.59.100 and 1975 1st ex.s. c 288 s 11 are each amended to read as follows:

(1) A collective bargaining agreement may not include union security provisions (~~including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member.~~

~~Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization).~~

(2) No employee may be required to become or remain a member of an employee organization as a condition of employment, nor may any employee be required to pay any dues, fees, or other charges to an employee organization as a condition of employment.

Sec. 10. RCW 41.59.140 and 2012 c 117 s 93 are each amended to read as follows:

(1) It shall be an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in RCW 41.59.060;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: PROVIDED, That subject to rules and regulations made by the commission pursuant to RCW 41.59.110, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment (~~but nothing contained in this subsection shall prevent an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 41.59.100~~);

(d) To discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It shall be an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed in RCW 41.59.060: PROVIDED, That this (~~paragraph~~) subsection (2)(a) shall not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (ii) an employer in the selection of his or her representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, provided it is the representative of its employees subject to RCW 41.59.090.

(3) The expressing of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. Sec. 11. A new section is added to chapter 41.59 RCW to read as follows:

(1) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or

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prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of RCW 41.59.060, 41.59.100, or this section.

(2) A person who violates the rights of employees in RCW 41.59.060, 41.59.100, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 41.59.060, 41.59.100, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 41.59.060, 41.59.100, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 12. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. ((Such employee authorization shall not be irrevocable for a period of more than one year.)) Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization. A faculty member may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

(2) A collective bargaining agreement may not include union security provisions ~~((but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

(3) ~~A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty~~

~~member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination).~~

(3) No faculty member may be required to become or remain a member of an employee organization as a condition of employment, nor may any faculty member be required to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

(4) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a faculty member or prospective faculty member, or a faculty member's or prospective faculty member's parents, spouse, children, grandchildren, or any other persons residing in the faculty member or prospective faculty member's home, or by any damage or threatened damage to a faculty member or prospective faculty member's property, to compel or attempt to compel such faculty member to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of this section.

(5) A person who violates the rights of faculty members in this section is liable to a person who suffers from that violation for all resulting damages.

(6)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of this section.

(b) The superior courts shall grant injunctive relief when a violation of this section is made apparent.

(7) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(8) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this section is void and unenforceable.

Sec. 13. RCW 41.80.050 and 2002 c 354 s 306 are each amended to read as follows:

Except as may be specifically limited by this chapter, employees shall have the right to self-organization, to form, join, or assist employee organizations, and to bargain collectively through representatives of their own choosing for the purpose of collective bargaining free from interference, restraint, or coercion. Employees shall also have the right to refrain from any or all such activities ~~((except to the extent that they may be required to pay a fee to an exclusive bargaining representative under a union security provision authorized by this chapter)).~~

Sec. 14. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may not contain a union security provision ~~((requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages,~~

hours, and other conditions of employment.

~~(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization).~~

~~((3))~~ (2) Only upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

~~((4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.)~~ An employee may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

(3) No employee may be required to become or remain a member of an employee organization as a condition of employment, nor may any employee be required to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

NEW SECTION. Sec. 15. A new section is added to chapter 41.80 RCW to read as follows:

(1) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by the provisions of RCW 41.80.100 or this section.

(2) A person who violates the rights of employees in RCW 41.80.100 or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 41.80.100 or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 41.80.100 or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 16. RCW 47.64.130 and 2011 1st sp. s. c 16 s 19 are each amended to read as follows:

(1) It is an unfair labor practice for the employer or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. However, subject to rules made by the public employment relations commission pursuant to RCW 41.58.050, an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment(~~but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160. However, nothing prohibits the employer from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization~~);

(d) To discharge or otherwise discriminate against an employee because he or she has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter. However, this subsection does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his or her representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer.

(3) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

Sec. 17. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may not include union security provisions (~~including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another~~

~~charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization)).~~

(2) No ferry employee may be required to become or remain a member of a ferry employee organization as a condition of employment, nor may any ferry employee be required to pay any dues, fees, assessments, or other charges to a ferry employee organization as a condition of employment.

(3) The employer may not deduct any dues, fees, assessments, or other charges from the pay of a ferry employee on behalf of a ferry employee organization without the voluntary, written authorization of the ferry employee. A ferry employee may revoke his or her authorization for such deductions at any time by notifying the employer or ferry employee organization in writing.

NEW SECTION. Sec. 18. A new section is added to chapter 47.64 RCW to read as follows:

(1) It is unlawful for any person, ferry employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a ferry employee or prospective ferry employee, or a ferry employee's or prospective ferry employee's parents, spouse, children, grandchildren, or any other persons residing in the ferry employee's or prospective ferry employee's home, or by any damage or threatened damage to a ferry employee's or prospective ferry employee's property, to compel or attempt to compel such ferry employee to join, affiliate with, or financially support a ferry employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 47.64.160 or this section.

(2) A person who violates the rights of ferry employees in RCW 47.64.160 or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 47.64.160 or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 47.64.160 or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any ferry employee organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 19. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

Only upon the written authorization of any symphony musician within the bargaining unit and after the certification or recognition of the bargaining representative, the employer must deduct from the pay of the symphony musician the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the dues to the treasurer of the exclusive bargaining representative. A symphony musician may revoke his or her authorization for such deductions at any time by notifying the employer or exclusive bargaining representative in writing.

Sec. 20. RCW 49.39.090 and 2010 c 6 s 10 are each amended to read as follows:

~~(1) A collective bargaining agreement may(:(4)) not contain union security provisions. ((However, nothing in this section authorizes a closed shop provision. Agreements involving union security provisions must safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which the symphony musician is a member. The symphony musician must pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the symphony musician affected and the bargaining representative to which the symphony musician would otherwise pay the dues and initiation fee. The symphony musician must furnish written proof that the payment has been made. If the symphony musician and the bargaining representative do not reach agreement on this matter, the commission must designate the charitable organization:))~~

(2) No symphony musician may be required to become or remain a member of a labor organization as a condition of employment, nor may any symphony musician be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of employment.

(3) A collective bargaining agreement may provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

NEW SECTION. Sec. 21. A new section is added to chapter 49.39 RCW to read as follows:

(1) It is unlawful for any person, bargaining representative, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of a symphony musician or prospective symphony musician, or a symphony musician's or prospective symphony musician's parents, spouse, children, grandchildren, or any other persons residing in the symphony musician's or prospective symphony musician's home, or by any damage or threatened damage to a symphony musician's or prospective symphony musician's property, to compel or attempt to compel such symphony musician to join, affiliate with, or financially support a bargaining representative or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 49.39.080, 49.39.090, or this section.

(2) A person who violates the rights of symphony musicians in RCW 49.39.080, 49.39.090, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 49.39.080, 49.39.090, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 49.39.080, 49.39.090, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 22. RCW 49.66.010 and 1973 2nd ex.s. c 3 s 1 are each amended to read as follows:

It is the public policy of the state to expedite the settlement of labor disputes arising in connection with health care activities, in order that there may be no lessening, however temporary, in the

quality of the care given to patients. It is the legislative purpose by this chapter to promote collective bargaining between health care activities and their employees, to protect the right of employees of health care activities to organize and select collective bargaining units of their own choosing.

It is further determined that ~~((any agreements involving union security including an all union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee must pay an amount of money equivalent to regular union dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the department shall designate such organization)) collective bargaining agreements may not contain union security provisions, that no employee may be required to become or remain a member of a labor organization as a condition of employment, and that no employee may be required to pay any dues, fees, assessments, or other charges to a labor organization as a condition of employment. No employer may deduct any dues, fees, assessments, or other charges from the pay of an employee on behalf of a labor organization without the voluntary, written authorization of the employee. An employee may revoke his or her authorization for such deductions at any time by notifying the employer or labor organization in writing.~~

Sec. 23. RCW 49.66.050 and 2010 c 8 s 12063 are each amended to read as follows:

It shall be an unfair labor practice and unlawful, for any employee organization or its agent to:

(1) Restrain or coerce (a) employees in the exercise of their right to refrain from self-organization, or (b) an employer in the selection of its representatives for purposes of collective bargaining or the adjustment of grievances;

(2) Cause or attempt to cause an employer to discriminate against an employee in violation of RCW 49.66.040(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated ~~((on some ground other than his or her failure to tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership));~~

(3) Refuse to meet and bargain in good faith with an employer, provided it is the duly designated representative of the employer's employees for purposes of collective bargaining;

(4) ~~((Require of employees covered by a union security agreement the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the director finds excessive or discriminatory under all the circumstances. In making such a finding, the director shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected;~~

~~((S))~~ Cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed;

~~((6))~~ (5) Enter into any contract or agreement, express or implied, whereby an employer or other person ceases or refrains, or agrees to cease or refrain, from handling, using, selling, transporting, or otherwise dealing in any of the products or services of any other employer or person, or to cease doing business with any other employer or person, and any such

contract or agreement shall be unenforceable and void; or

~~((7))~~ (6) Engage in, or induce or encourage any individual employed by any employer or to engage in, an activity prohibited by RCW 49.66.060.

NEW SECTION. Sec. 24. A new section is added to chapter 49.66 RCW to read as follows:

(1) It is unlawful for any person, labor organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support a labor organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 49.66.010 or this section.

(2) A person who violates the rights of employees in RCW 49.66.010 or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 49.66.010 or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 49.66.010 or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any labor organization and employer that violates the provisions of this chapter is void and unenforceable.

Sec. 25. RCW 53.18.050 and 1967 c 101 s 5 are each amended to read as follows:

A labor agreement signed by a port district may contain:

(1) Provisions that the employee organization chosen by a majority of the employees in a grouping or unit will be recognized as the representative of all employees in the classification included in such grouping or unit; and

(2) ~~((Maintenance of membership provisions including dues check-off arrangements; and~~

~~((3))~~ Provisions providing for binding arbitration, the expenses being equally borne by the parties, in matters of contract interpretation and the settlement of jurisdictional disputes.

Sec. 26. RCW 53.18.060 and 1967 c 101 s 6 are each amended to read as follows:

~~((No))~~ A labor agreement or contract entered into by a port district ~~((shall))~~ may not:

(1) Restrict the right of the port district in its discretion to hire;

(2) Limit the right of the port to secure its regular or steady employees from the local community; ~~((and))~~

(3) Include within the same agreements: (a) Port security personnel, or (b) port supervisory personnel;

(4) Contain union security provisions;
(5) Require any employee to become or remain a member of an employee organization as a condition of employment; or

(6) Require any employee to pay any dues, fees, assessments, or other charges to an employee organization as a condition of employment.

NEW SECTION. Sec. 27. A new section is added to

chapter 53.18 RCW to read as follows:

No employer may deduct any dues, fees, assessments, or other charges from the pay of an employee on behalf of an employee organization without the voluntary, written authorization of the employee. An employee may revoke his or her authorization for such deductions at any time by notifying the employer or employee organization in writing.

NEW SECTION. Sec. 28. A new section is added to chapter 53.18 RCW to read as follows:

(1) It is unlawful for any person, employee organization, or officer, agent, or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee's or prospective employee's parents, spouse, children, grandchildren, or any other persons residing in the employee's or prospective employee's home, or by any damage or threatened damage to an employee's or prospective employee's property, to compel or attempt to compel such employee to join, affiliate with, or financially support an employee organization or to refrain from doing so or otherwise forfeit any rights as guaranteed by RCW 53.18.060, section 27 of this act, or this section.

(2) A person who violates the rights of employees in RCW 53.18.060, section 27 of this act, or this section is liable to a person who suffers from that violation for all resulting damages.

(3)(a) The attorney general or a prosecuting attorney may bring an action in superior court to enjoin a violation of RCW 53.18.060, section 27 of this act, or this section.

(b) The superior courts shall grant injunctive relief when a violation of RCW 53.18.060, section 27 of this act, or this section is made apparent.

(4) Not later than the second day after the receipt of notice of institution of an action under this section, a party to the action may apply to the presiding judge of the superior court in the county within which the action is brought. The presiding judge shall immediately assign a superior court judge from within the county who shall hear all proceedings in the action.

(5) Any agreement, understanding, or practice, written or oral, implied or expressed, between any employee organization and employer that violates the provisions of this chapter is void and unenforceable.

NEW SECTION. Sec. 29. Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing contract or collective bargaining agreement. This act applies to all contracts entered into after the effective date of this section and applies to any renewal or extension of any existing contract or collective bargaining agreement.

NEW SECTION. Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "amending RCW 28B.52.045, 41.56.110, 41.56.113, 41.56.122, 41.59.060, 41.59.100, 41.59.140, 41.76.045, 41.80.050, 41.80.100, 47.64.130, 47.64.160, 49.39.080, 49.39.090, 49.66.010, 49.66.050, 53.18.050, and 53.18.060; adding a new section to chapter 49.36 RCW; adding new sections to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 49.66 RCW; adding new sections to chapter 53.18 RCW; creating a new section; and prescribing penalties."

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

Senator Braun withdrew the amendment.

MOTION

Senator Braun moved that the following striking floor amendment no. 794 by Senator Braun be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.52.045 and 1987 c 314 s 8 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. ((If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.~~

~~(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.~~

~~(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself~~

directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

Sec. 2. RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Upon the written authorization of ~~((any public))~~ an employee within the bargaining unit and after the certification or recognition of ((such)) the bargaining unit's exclusive bargaining representative, the ((public)) employer shall deduct from the ((pay of such public)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 41.56.122, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(b) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(c) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

~~(2) ((The exclusive bargaining representative shall have the right to have deducted from the salary of employees, upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under RCW 41.59.100, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(c)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.~~

~~(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.~~

~~(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.~~

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) ~~((Upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the~~

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~~employee organization or to the depository designated by the employee organization.~~

~~(2)) (a) A collective bargaining agreement may include union security provisions, but not a closed shop. (If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.~~

~~(3)) (b) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(c) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under (a) of this subsection, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (c)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(d)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.~~

~~(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.~~

~~(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.~~

(2) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency

shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

~~(3) ((Upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization-:)) (a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same to the treasurer of the exclusive bargaining representative.~~

~~(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:~~

~~(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.~~

~~(c)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.~~

(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Upon the written authorization of ((any symphony musician)) an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the ((pay of the symphony musician)) payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the ((dues)) same to the treasurer of the exclusive bargaining representative.

(2) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized under RCW 49.39.090, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the employer must make such deductions upon written authorization of the employee.

(3)(a) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(b) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(c) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

Sec. 7. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. ((If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues.))

(2)(a) Upon written authorization of an employee within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the employer must deduct from the payments to the employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the same

to the treasurer of the exclusive bargaining representative.

(b) If the employer and the exclusive bargaining representative of a bargaining unit enter into a collective bargaining agreement that:

(i) Includes a union security provision authorized under subsection (1) of this section, the employer must enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(ii) Includes requirements for deductions of payments other than the deduction under (b)(i) of this subsection, the employer must make such deductions upon written authorization of the employee.

(c)(i) If the collective bargaining agreement between the employer and bargaining representative does not contain a union security provision, the bargaining representative is the exclusive bargaining representative of only those employees in the bargaining unit that are members of the bargaining representative and the collective bargaining agreement applies only to those employees that choose to be members of the bargaining representative.

(ii) There may be no more than one certified exclusive bargaining representative per bargaining unit at any one time.

(iii) Any employee who chooses not to be a member of the bargaining representative may represent himself or herself directly or through a representative. However, the employer is not obligated to bargain with the employee or to agree to any terms proposed by the employee.

(3) All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 28B.52.045, 41.56.110, 41.59.060, 41.76.045, 41.80.100, 49.39.080, and 47.64.160."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 794 by Senator Braun to House Bill No. 2751.

The motion by Senator Braun did not carry and striking floor amendment no. 794 was not adopted by voice vote.

MOTION

Senator Ericksen moved that the following striking floor amendment no. 806 by Senator Ericksen be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

Only upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

Sec. 2. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Only upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to ~~((a))~~ (b) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that:

~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (e) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) Includes requirements for)~~ permits deductions of payments other than the deduction under ~~(a)((i))~~ of this subsection, the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions only upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((d) The governor and the exclusive bargaining representative~~

~~of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients of WorkFirst participants.)~~

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

~~((a))~~ Only upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

~~((i))~~ (a) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

~~((ii))~~ (b) A record showing that dues have been deducted as specified in ~~(a)((i))~~ of this subsection be provided to the state;

~~(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in ~~(a)(i)~~ of this subsection be provided to the state).~~

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, only upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written

authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled

to all the representation rights of a member of the employee organization.

(3) Only upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

Sec. 6. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the charitable organization.

(2) The employer may not deduct any dues, fees, assessments, or other charges from the pay of a ferry employee on behalf of a ferry employee organization without the voluntary, written authorization of the ferry employee. A ferry employee may revoke his or her authorization for such deductions at any time by notifying the employer or ferry employee organization in writing.

Sec. 7. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

Only upon the written authorization of any symphony musician within the bargaining unit and after the certification or recognition of the bargaining representative, the employer must deduct from the pay of the symphony musician the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the dues to the treasurer of the exclusive bargaining representative.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 41.56.110, 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and 49.39.080."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 806 by Senator Ericksen to House Bill No. 2751.

The motion by Senator Ericksen did not carry and striking floor

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 amendment no. 806 was not adopted by voice vote.

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MOTION

Senator O'Ban moved that the following striking floor amendment no. 808 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.56.110 and 1973 c 59 s 1 are each amended to read as follows:

(1) Only upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) The employer must keep the public employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 2. RCW 41.56.113 and 2010 c 296 s 4 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Only upon the written authorization of an individual provider, a family child care provider, an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection, deduct from the payments to an individual provider, a family child care provider, an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, adult family home providers, or language access providers enter into a collective bargaining agreement that

~~(i) includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or~~

~~(ii) includes requirements for)~~ permits deductions of payments ~~((other than the deduction under (a)(i) of this subsection)),~~ the state, as payor, but not as the employer, shall, subject to (c) of this subsection, make such deductions only upon written authorization of the individual provider, family child care provider, adult family home provider, or language access provider.

(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be an

appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, 41.56.029, or 41.56.510, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~(d) ((The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license exempt family child care providers who are also temporary assistance for needy families recipients of WorkFirst participants.))~~ The employer must keep the required written authorization for the deduction of fees received under this section on file and must receive the employee's written authorization annually.

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

(a) Only upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

(i) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(ii) A record showing that dues have been deducted as specified in (a)(i) of this subsection be provided to the state.

~~(b) ((If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:~~

~~(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and~~

~~(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state.))~~ The employer must keep the required written authorization for the deduction of union fees received under this section on file and must receive the employee's written authorization annually.

Sec. 3. RCW 41.59.060 and 1975 1st ex.s. c 288 s 7 are each amended to read as follows:

(1) Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and shall also have the right to refrain from any or all of such activities except to the extent that employees may be required to pay a fee to any employee organization under an agency shop agreement authorized in this chapter.

(2) The exclusive bargaining representative shall have the right to have deducted from the salary of employees, only upon receipt of an appropriate authorization form which shall not be irrevocable for a period of more than one year, an amount equal to the fees and dues required for membership. Such fees and dues shall be deducted monthly from the pay of all appropriate employees by the employer and transmitted as provided for by agreement between the employer and the exclusive bargaining representative, unless an automatic payroll deduction service is established pursuant to law, at which time such fees and dues shall be transmitted as therein provided. If an agency shop provision is agreed to and becomes effective pursuant to RCW 41.59.100, except as provided in that section, the agency fee equal to the fees and dues required of membership in the exclusive bargaining representative shall be deducted from the salary of employees in the bargaining unit.

(3) The employer must keep the employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 4. RCW 41.76.045 and 2002 c 356 s 12 are each amended to read as follows:

(1) Only upon filing with the employer the voluntary written authorization of a bargaining unit faculty member under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit faculty member the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted from the pay of all faculty members who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. If an agency shop or other union security provision is agreed to, the employer shall enforce any such provision by deductions from the salary of bargaining unit faculty members affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) A faculty member who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such faculty member is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. The charity shall be agreed upon by the faculty member and the employee organization to which such faculty member would otherwise pay the dues and fees. The faculty member shall furnish written proof that such payments have been made. If the faculty member and the employee organization do not reach agreement on such matter, the dispute shall be submitted to the commission for determination.

(4) The employer must keep the public employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 5. RCW 41.80.100 and 2002 c 354 s 311 are each amended to read as follows:

(1) A collective bargaining agreement may contain a union security provision requiring as a condition of employment the

payment, no later than the thirtieth day following the beginning of employment or July 1, 2004, whichever is later, of an agency shop fee to the employee organization that is the exclusive bargaining representative for the bargaining unit in which the employee is employed. The amount of the fee shall be equal to the amount required to become a member in good standing of the employee organization. Each employee organization shall establish a procedure by which any employee so requesting may pay a representation fee no greater than the part of the membership fee that represents a pro rata share of expenditures for purposes germane to the collective bargaining process, to contract administration, or to pursuing matters affecting wages, hours, and other conditions of employment.

(2) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets, or teachings of a church or religious body of which the employee is a member, shall, as a condition of employment, make payments to the employee organization, for purposes within the program of the employee organization as designated by the employee that would be in harmony with his or her individual conscience. The amount of the payments shall be equal to the periodic dues and fees uniformly required as a condition of acquiring or retaining membership in the employee organization minus any included monthly premiums for insurance programs sponsored by the employee organization. The employee shall not be a member of the employee organization but is entitled to all the representation rights of a member of the employee organization.

(3) Only upon filing with the employer the written authorization of a bargaining unit employee under this chapter, the employee organization that is the exclusive bargaining representative of the bargaining unit shall have the exclusive right to have deducted from the salary of the employee an amount equal to the fees and dues uniformly required as a condition of acquiring or retaining membership in the employee organization. The fees and dues shall be deducted each pay period from the pay of all employees who have given authorization for the deduction and shall be transmitted by the employer as provided for by agreement between the employer and the employee organization.

(4) Employee organizations that before July 1, 2004, were entitled to the benefits of this section shall continue to be entitled to these benefits.

(5) The employer must keep the employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 6. RCW 47.64.160 and 1983 c 15 s 7 are each amended to read as follows:

(1) A collective bargaining agreement may include union security provisions including an agency shop, but not a union or closed shop. If an agency shop provision is agreed to, the employer shall enforce it by deducting from the salary payments to members of the bargaining unit the dues required of membership in the bargaining representative, or, for nonmembers thereof, a fee equivalent to such dues. All union security provisions shall safeguard the right of nonassociation of employees based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. Such employee shall pay an amount of money equivalent to regular dues and fees to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the bargaining representative to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payment has been made. If the employee and the bargaining representative do not reach agreement on such matter, the commission shall designate the

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charitable organization.

(2) The employer may not deduct any fees, assessments, or other charges from the pay of a ferry employee on behalf of a ferry employee organization without the voluntary, written authorization of the ferry employee. A ferry employee may revoke his or her authorization for such deductions at any time by notifying the employer or ferry employee organization in writing.

(3) The employer must keep the employee's written authorization required by this section on file and must receive the employee's written authorization annually.

Sec. 7. RCW 49.39.080 and 2010 c 6 s 9 are each amended to read as follows:

(1) Only upon the written authorization of any symphony musician within the bargaining unit and after the certification or recognition of the bargaining representative, the employer must deduct from the pay of the symphony musician the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and must transmit the dues to the treasurer of the exclusive bargaining representative.

(2) The employer must keep the public employee's written authorization required by this section on file and must receive the employee's written authorization annually.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 41.56.110, 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, and 49.39.080."

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

Senator Keiser spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 808 by Senator O'Ban to House Bill No. 2751.

The motion by Senator O'Ban did not carry and striking floor amendment no. 808 was not adopted by voice vote.

MOTION

On motion of Senator Keiser, the rules were suspended, House Bill No. 2751 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

Senator Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2751.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2751 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Miloscia, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Ericksen, Fain, Fortunato, Hawkins, Honeyford, King, O'Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Excused: Senator Walsh

HOUSE BILL NO. 2751, having received the constitutional

majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

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

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1508,
SUBSTITUTE HOUSE BILL NO. 1723,
ENGROSSED SENATE BILL NO. 6018.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, by House Committee on Environment (originally sponsored by Representatives McBride, Kagi, Peterson, Fitzgibbon, Doglio, Gregerson, Appleton, Jinkins, Ortiz-Self, Macri, Ryu, Pollet, Kloba, Goodman, Frame and Stanford)

Concerning the use of perfluorinated chemicals in food packaging.

The measure was read the second time.

MOTION

Senator Warnick moved that the following floor amendment no. 757 by Senator Warnick be adopted:

On page 2, beginning on line 17, strike all of subsection (1)

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

On page 3, beginning on line 10, strike all of subsections (4) and (5)

Correct any internal references accordingly.

On page 3, beginning on line 31, after "manufacturer." strike all material through "this act." on line 33

Senator Warnick spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

MOTION

On motion of Senator Bailey, Senator Rivers was excused.

The President declared the question before the Senate to be the adoption of floor amendment no. 757 by Senator Warnick on page 2, line 17 to Engrossed Substitute House Bill No. 2658.

The motion by Senator Warnick did not carry and floor amendment no. 757 was not adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute House Bill No. 2658 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Van De Wege spoke in favor of passage of the bill.

Senator Warnick spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2658.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2658 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Braun, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Baumgartner, Becker, Brown, Ericksen, Fortunato, Hawkins, Honeyford, King, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick and Wilson

Excused: Senators Rivers and Walsh

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1377, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Stonier, Santos, Lovick, Gregerson, Peterson, Ryu, Appleton, Fitzgibbon, Goodman, Bergquist and Doglio)

Improving students' mental health by enhancing nonacademic professional services.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that students' unmet mental health needs pose barriers to learning and development, and ultimately student success in school. The legislature further finds that the need to identify and assist students struggling with emotional and mental health needs has reached a serious level statewide. In order to prioritize students' needs first, the legislature finds that the persons most qualified in the school setting to lead the effort in addressing this epidemic are the school counselor, school social worker, and school psychologist. The legislature further finds that the knowledge-levels and skill-levels of these nonacademic professionals must be increased in order to enhance mental health-related student support services.

(2) The legislature further finds that in chapter 175, Laws of 2007, appropriate acknowledgment was given to the fact that a professional school counselor is not just a course and career guidance professional, but a certificated educator with unique qualifications and skills to address all students' academic, personal, social, and career development needs, and that school counselors serve a vital role in maximizing student achievement by supporting a safe learning environment and addressing the needs of all students through prevention and intervention programs that are part of a comprehensive school counseling program. The legislature finds, however, that despite the language

in RCW 28A.410.043 that appropriately recognizes that the role of the school counselor is multifaceted, with a focus upon students' mental health needs as well as career guidance needs, the reality in the schools is that counselor staffing levels are well below the national recommendations of one counselor to every two hundred fifty students. As a result, there are not enough counselors in the schools and many school counselors have been tasked primarily with course and career guidance responsibilities at the expense of the mental health side of school counseling. Similarly, school psychologist staffing levels are below the national recommendations of one psychologist to every five hundred to seven hundred students when providing comprehensive school psychological services, and school social worker staffing levels are below the national recommendations of one school social worker to every two hundred fifty students, or one to every fifty students with intensive needs.

(3) The legislature further finds that school counselors, social workers, and psychologists interact with students on a daily basis, thus putting them in a good position to recognize the signs of emotional or behavioral distress and make appropriate referrals. The legislature finds that individuals entering these professions need proper preparation to respond to the mental health and safety needs of students. The legislature further finds that they need ongoing professional development to address students' mental health needs and get students the help they need. The legislature further finds that Engrossed Substitute House Bill No. 1336, which became chapter 197, Laws of 2013, increased the capacity of school districts and their personnel to recognize and respond to youth in need through comprehensive planning and additional training, but that additional opportunities for collaboration on a regular and ongoing basis are in order. By providing professional collaboration opportunities with local mental health service providers at the school district level to school counselors, social workers, and psychologists, the legislature intends to take the next step toward enabling these professionals to recognize and respond with skill and confidence to the signs of emotional or behavioral distress that they observe in students and make the appropriate referrals to evidence-based behavioral health services.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other things. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources. All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, work with at-risk and marginalized students, perform risk assessments, and collaborate with mental health professionals to promote student achievement and create a safe learning environment. In order that school counselors, social workers, and psychologists have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.410 RCW to read as follows:

(1) A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the professional educator standards board. Pursuant to the national association of school psychologists' model for comprehensive and

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integrated school psychological services, school psychologists deliver services across ten domains of practice. Two domains permeate all areas of service delivery: Data-based decision making; and consultation and collaboration. Five domains encompass direct and indirect services to children and their families: Student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level preventive and responsive services; and systems-level family school collaboration services. The three foundational domains include: Knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.

(2) A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the professional educator standards board. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: Mental health and academic counseling, support for students and parents, crisis prevention and intervention, professional case management, collaboration with other professionals, organizations, and community agencies, and advocacy for students and parents. School social workers work directly with school administrators as well as students and families, at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.320 RCW to read as follows:

(1) Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year, preferably in person, for school counselors, social workers, and psychologists that focuses on the following: Recognizing signs of emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals. Teachers may also participate in this professional collaboration, as deemed appropriate and allowed by their building administrators. School districts that have mental health centers in their area shall collaborate with local licensed mental health service providers under chapter 71.24 RCW. Those districts without a mental health center in their area shall collaborate via telephone or other remote means that allow for dialogue and discussion. By collaborating with local providers in this manner, educational staff associates get to collaborate in short but regular segments, in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community to whom school personnel may make referrals, in line with the legislative intent expressed throughout Engrossed Substitute House Bill No. 1336, chapter 197, Laws of 2013, to form partnerships with qualified health, mental health, and social

services agencies in the community to coordinate and improve support for youth in need and the directive to the department of social and health services with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

(2) Second-class districts are encouraged, but not required, to collaborate and provide the professional collaboration as provided in subsection (1) of this section.

NEW SECTION. Sec. 5. (1) Subject to the availability of amounts appropriated for this specific purpose, the professional collaboration lighthouse grant program is established to assist school districts with early adoption and implementation of mental health professional collaboration time specified under section 4 of this act.

(2) The superintendent of public instruction shall designate at least two school districts as lighthouse school districts to serve as resources and examples of best practices in designing and operating a professional collaboration program for school counselors, school social workers, school psychologists, and local licensed mental health service providers. The program must focus on recognizing signs of emotional or behavioral distress in students, for example indicators of possible substance abuse, violence, and youth suicide, screening, accessing current resources, and making appropriate referrals.

(3) The superintendent shall award grants to:

(a) Each school district designated as a lighthouse district under subsection (2) of this section; and

(b) At least four school districts wishing to implement mental health professional collaboration time, as specified under section 4 of this act, in the 2018-19 school year. In awarding the grants, the superintendent must prioritize an even mix of rural school districts and urban or suburban school districts.

(4) Grant funds may be used for: Providing technical assistance to school districts implementing a professional collaboration program; designing and implementing a professional collaboration program; developing approaches for accessing resources external to a school district; collaborating with local licensed mental health service providers; identifying successful methods of communicating with students and parents; conducting site visits; and providing supplemental materials.

(5) This section expires August 1, 2020.

NEW SECTION. Sec. 6. This act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.410 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Bailey moved that the following floor amendment no. 823 by Senator Bailey be adopted:

On page 6, after line 6 of the amendment, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 28A.210 RCW to read as follows:

(1) Every public school must employ at least one mental health counselor in order to allow students reasonable access to a mental health counselor as needed. Mental health counselors must work on-site at schools to increase their visibility and to encourage communication between the students and the mental health counselor. Mental health counselors may, as appropriate, observe classrooms upon request by a teacher or student. Teachers or

students may make this request anonymously.

(2) Mental health counselors must be licensed by the state under chapter 18.225 RCW and may only work within the scope of their license."

On page 6, line 9 of the title amendment, after "28A.410 RCW;" insert "adding a new section to chapter 28A.210 RCW;"

Senator Bailey spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Wellman spoke against adoption of the amendment to the committee striking amendment.

MOTION

On motion of Senator Schoesler, Senator Ericksen was excused.

Senators Baumgartner and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Hasegawa spoke on the adoption of the amendment to the committee amendment.

MOTION

Senator Bailey demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bailey on page 6, after line 6 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Bailey and the amendment was not adopted by the following vote: Yeas, 21; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Braun, Brown, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Frockt, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Ericksen, Rivers and Walsh.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Second Substitute House Bill No. 1377.

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

MOTION

On motion of Senator Wellman, the rules were suspended, Second Substitute House Bill No. 1377 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

Senator Short spoke against passage of the bill.

Senator Becker spoke on passage of the bill.

The President declared the question before the Senate to be the

final passage of Second Substitute House Bill No. 1377 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1377 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 43; Nays, 3; Absent, 0; Excused, 3.

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

Voting nay: Senators Bailey, Padden and Short

Excused: Senators Ericksen, Rivers and Walsh

SECOND SUBSTITUTE HOUSE BILL NO. 1377, as amended by the Senate having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Sheldon moved that the Senate adjourn.

Senator Liias objected to the motion to adjourn by Senator Sheldon.

Senator Sheldon: "Mr. President the debate has not been rich, the issues are cloudy and redundant and I move we adjourn."

President Habib: "Senator Sheldon has moved the Senate now adjourn. As many as in favor say, are there, are there other, no, no, alright. Are those who wanna speak, Senator Liias did you want to speak?"

Senator Liias: "Thank you Mr. President, I agree wholeheartedly with Senator Sheldon except I would like to do one more bill and then we can adjourn. So asking for a no."

President Habib: "Senator Sheldon will you withdraw the motion?"

Senator Sheldon: "Mr. President I'd like to hear the results of my request. I request a vote."

The President declared the question before the Senate to be the motion by Senator Sheldon to adjourn and the motion did not carry by voice vote.

SECOND READING

SENATE BILL NO. 5955, by Senators Kuderer, Wellman, Keiser, Hobbs, Palumbo, Mullet, Liias, Chase, Hasegawa, Darneille, Conway, Cleveland, Nelson, Billig and Takko

Concerning the collection of a motor vehicle excise tax approved by voters of a regional transit authority in 2016.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5955 was substituted for Senate Bill No. 5955 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator O'Ban moved that the following floor amendment no. 565 by Senator O'Ban be adopted:

On page 1, after line 7, insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that a regional transit authority receive additional approval from voters if the cost to complete a regional transit system plan approved by voters in 2016 increases beyond fifty-four billion dollars or any additions or subtractions of projects or significant project scope when compared to the system plan are made.

NEW SECTION. Sec. 2. A new section is added to chapter 81.112 RCW to read as follows:

(1) Once an authority has expended eighty percent of all the funding elements identified in a regional transit system plan adopted by the board of an authority in June 2016, the authority must hire an independent auditor to determine if remaining unspent funding elements are sufficient to complete the system plan as approved by the authority's voters in 2016.

(2) If the auditor hired under subsection (1) of this section determines remaining unspent funding elements are insufficient to complete the system plan as approved by the authority's voters in 2016, the authority must propose a ballot proposition to be submitted to the voters of the authority. The ballot proposition must seek approval for an authority to expend funds beyond those in the system plan as approved by the authority's voters in 2016. The ballot proposition must receive a majority affirmative vote before an authority may expend funds beyond those identified in the system plan as approved by the authority's voters in 2016.

(3) If an authority proposes to make any additions or subtractions of projects or significant project scope when compared to the system plan as approved by the authority's voters in 2016, an authority must propose a ballot proposition to be submitted to the voters of the authority. The ballot proposition must identify changes to the system plan as approved by the authority's voters in 2016, and seek approval of these changes. The ballot proposition must receive a majority affirmative vote before an authority may continue funding additions or subtractions of projects or significant project scope when compared to the system plan as approved by the authority's voters in 2016."

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

On page 1, beginning on line 4 of the title, after "81.112.360;" strike all material through "RCW;" on line 5 and insert "adding new sections to chapter 81.112 RCW; adding a new section to chapter 82.44 RCW;"

Senator O'Ban spoke in favor of adoption of the amendment.
Senator Hobbs spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

MOTION

On motion of Senator Bailey, Senator Baumgartner was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 1, after line 7 to Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 21; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Fain, Fortunato, Hawkins, Honeyford, King, Miloscia, O'Ban, Padden, Palumbo, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

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

Excused: Senators Baumgartner, Ericksen, Rivers and Walsh.

MOTION

Senator O'Ban moved that the following floor amendment no. 563 by Senator O'Ban be adopted:

On page 1, line 10, after "(1)" strike "Before" and insert "Except as otherwise provided in this section, before"

On page 1, after line 20, insert the following:

"(3) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if the authority has a directly elected board."

On page 4, after line 34, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority is governed by a board consisting of the secretary of the department of transportation, or his or her designee, who is a nonvoting member, and eleven directly elected nonpartisan members. One nonpartisan member must be elected from each of the eleven numbered districts in primary and general elections commencing with the elections held in 2018. Commencing with such elections, a person seeking election or serving on the board may not hold other public office and must be a registered voter residing in the relevant electoral district during the term in office and for a period from at least thirty days before filing a petition for candidacy.

(2) A five-member districting commission appointed by the governor must define the districts as soon as possible after the effective date of this section. Each commission member must reside in a different authority subarea. The districting commission has all reasonably necessary powers and must determine a reasonable budget, which must be funded upon its request, by an authority. The districting commission must promptly approve a plan for eleven numbered electoral districts in a service area, and publicize and file the plan with the county clerks of the counties within a service area. The plan must be drawn to ensure that the electoral districts: Have nearly equal populations in accordance with the one person, one vote principle; do not divide a precinct; are compact, convenient, and contiguous; do not exceed five electoral districts solely in one county; and minimize the number of districts that consist of portions of different counties or different authority subareas. An objection to the plan must commence within thirty days, and be heard within sixty days, of filing the plan.

(3) Upon certification of the 2018 general election, terms of office of an authority's board members expire, if any are existing on the effective date of this section, and the eleven elected

nonpartisan members must take office. Each elected member must serve the remainder of 2018 plus an additional period of two or four years. Lots must be drawn to determine which six of the eleven elected members must serve an additional four years, and which five of the eleven elected members must serve an additional two years. All successors elected in subsequent elections in odd-numbered years must have terms of office for four years, commencing January 1st after the election.

(4) An authority's board positions become vacant upon failure to maintain residence or other qualification, recall, death, resignation, or adjudication of permanent disability. The nonpartisan vacancy must be filled as provided in chapter 42.12 RCW. The appointed temporary member must serve until a successor for the remainder of the vacated term is chosen in the next primary and general election.

(5) Local jurisdiction expenditures incurred through administering the election of the authority's board members must be reimbursed by the authority.

(6) Every decade, after the release of federal census information, the governor must appoint a new districting commission in accordance with subsection (2) of this section. The commission must operate in accordance with the standards provided in subsection (2) of this section and prepare a timetable for transition to any new districts.

(7) To allow staggered terms after a redistricting, a board member who has an uncompleted four-year term and no longer resides in his or her prior district solely due to redistricting must serve the remainder of the four-year term.

(8) Major decisions of the authority require a favorable vote of two-thirds of the entire membership. "Major decisions" include at least the following: System plan adoption and amendment, system phasing decisions, annual budget adoption, authorization of annexations, modification of board composition, and executive director employment.

(9) Each member of the board is eligible to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and to receive compensation up to ten thousand dollars per year.

Sec. 8. RCW 81.112.010 and 1992 c 101 s 1 are each amended to read as follows:

The legislature recognizes that existing transportation facilities in the central Puget Sound area are inadequate to address mobility needs of the area. The geography of the region, travel demand growth, and public resistance to new roadways combine to further necessitate the rapid development of alternative modes of travel.

The legislature finds that local governments have been effective in cooperatively planning a multicounty, high capacity transportation system. However, a continued multijurisdictional approach to funding, construction, and operation of a multicounty high capacity transportation system may impair the successful implementation of such a system.

The legislature finds that a single agency will be more effective than several local jurisdictions working collectively at planning, developing, operating, and funding a high capacity transportation system. The single agency's services must be carefully integrated and coordinated with public transportation services currently provided. As the single agency's services are established, any public transportation services currently provided that are duplicative should be eliminated. Further, the single agency must coordinate its activities with other agencies providing local and state roadway services, implementing comprehensive planning, and implementing transportation demand management programs and assist in developing infrastructure to support high capacity systems including but not limited to feeder systems, park and ride facilities, intermodal centers, and related roadway and operational

facilities. Because the legislature finds a need to ensure that the single agency is accountable to the people, coordination can be best achieved through ((common governance, such as integrated governing boards)) direct election of board members.

It is therefore the policy of the state of Washington to empower counties in the state's most populous region to create a local agency for planning and implementing a high capacity transportation system within that region. The authorization for such an agency, except as specifically provided in this chapter, is not intended to limit the powers of existing transit agencies.

Sec. 9. RCW 81.112.030 and 2007 c 509 s 3 are each amended to read as follows:

Two or more contiguous counties each having a population of four hundred thousand persons or more may establish a regional transit authority to develop and operate a high capacity transportation system as defined in chapter 81.104 RCW.

The authority shall be formed in the following manner:

(1) The joint regional policy committee created pursuant to RCW 81.104.040 shall adopt a system and financing plan, including the definition of the service area. This action shall be completed by September 1, 1992, contingent upon satisfactory completion of the planning process defined in RCW 81.104.100. The final system plan shall be adopted no later than June 30, 1993. In addition to the requirements of RCW 81.104.100, the plan for the proposed system shall provide explicitly for a minimum portion of new tax revenues to be allocated to local transit agencies for interim express services. Upon adoption the joint regional policy committee shall immediately transmit the plan to the county legislative authorities within the adopted service area.

(2) The legislative authorities of the counties within the service area shall decide by resolution whether to participate in the authority. This action shall be completed within forty-five days following receipt of the adopted plan or by August 13, 1993, whichever comes first.

~~(3) ((Each county that chooses to participate in the authority shall appoint its board members as set forth in RCW 81.112.040 and shall submit its list of members to the secretary of the Washington state department of transportation. These actions must be completed within thirty days following each county's decision to participate in the authority.~~

~~(4))~~ (4) The secretary shall call the first meeting of the authority, to be held within thirty days following receipt of the ~~((appointments))~~ names of the elected board members. At its first meeting, the authority shall elect officers and provide for the adoption of rules and other operating procedures.

~~((5))~~ (4) The authority is formally constituted at its first meeting and the board shall begin taking steps toward implementation of the system and financing plan adopted by the joint regional policy committee. If the joint regional policy committee fails to adopt a plan by June 30, 1993, the authority shall proceed to do so based on the work completed by that date by the joint regional policy committee. Upon formation of the authority, the joint regional policy committee shall cease to exist. The authority may make minor modifications to the plan as deemed necessary and shall at a minimum review local transit agencies' plans to ensure feeder service/high capacity transit service integration, ensure fare integration, and ensure avoidance of parallel competitive services. The authority shall also conduct a minimum thirty-day public comment period.

~~((6))~~ (5) If the authority determines that major modifications to the plan are necessary before the initial ballot proposition is submitted to the voters, the authority may make those modifications with a favorable vote of two-thirds of the entire membership. Any such modification shall be subject to the review process set forth in RCW 81.104.110. The modified plan shall be

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transmitted to the legislative authorities of the participating counties. The legislative authorities shall have forty-five days following receipt to act by motion or ordinance to confirm or rescind their continued participation in the authority.

~~((7))~~ (6) If any county opts to not participate in the authority, but two or more contiguous counties do choose to continue to participate, the authority's board shall be revised accordingly. The authority shall, within forty-five days, redefine the system and financing plan to reflect elimination of one or more counties, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to participate. This action shall be completed within forty-five days following receipt of the redefined plan.

~~((8))~~ (7) The authority shall place on the ballot within two years of the authority's formation, a single ballot proposition to authorize the imposition of taxes to support the implementation of an appropriate phase of the plan within its service area. In addition to the system plan requirements contained in RCW 81.104.100(2)(d), the system plan approved by the authority's board before the submittal of a proposition to the voters shall contain an equity element which:

- (a) Identifies revenues anticipated to be generated by corridor and by county within the authority's boundaries;
- (b) Identifies the phasing of construction and operation of high capacity system facilities, services, and benefits in each corridor. Phasing decisions should give priority to jurisdictions which have adopted transit-supportive land use plans; and
- (c) Identifies the degree to which revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue.

A simple majority of those voting within the boundaries of the authority is required for approval. If the vote is affirmative, the authority shall begin implementation of the projects identified in the proposition. However, the authority may not submit any authorizing proposition for voter-approved taxes prior to July 1, 1993; nor may the authority issue bonds or form any local improvement district prior to July 1, 1993.

~~((9))~~ (8) If the vote on a proposition fails, the board may redefine the proposition, make changes to the authority boundaries, and make corresponding changes to the composition of the board, subject to section 7 of this act. If the composition of the board is changed, the participating counties shall revise the membership of the board ~~((accordingly))~~ subject to section 7 of this act. The board may then submit the revised proposition or a different proposition to the voters. No single proposition may be submitted to the voters more than twice. Beginning no sooner than the 2007 general election, the authority may place additional propositions on the ballot to impose taxes to support additional phases of plan implementation.

~~((10))~~ (9) At the 2007 general election, the authority shall submit a proposition to support a system and financing plan or additional implementation phases of the authority's system and financing plan as part of a single ballot proposition that includes a plan to support a regional transportation investment plan developed under chapter 36.120 RCW. The authority's plan shall not be considered approved unless both a majority of the persons voting on the proposition residing within the authority vote in favor of the proposition and a majority of the persons voting on the proposition residing within the proposed regional transportation investment district vote in favor of the proposition.

~~((11))~~ (10) Additional phases of plan implementation may include a transportation subarea equity element which (a) identifies the combined authority and regional transportation investment district revenues anticipated to be generated by corridor and by county within the authority's boundaries, and (b)

identifies the degree to which the combined authority and regional transportation investment district revenues generated within each county will benefit the residents of that county, and identifies when such benefits will accrue. For purposes of the transportation subarea equity principle established under this subsection, the authority may use the five subareas within the authority's boundaries as identified in the authority's system plan adopted in May 1996.

~~((12))~~ (11) If the authority is unable to achieve a positive vote on a proposition within two years from the date of the first election on a proposition, the board may, by resolution, reconstitute the authority as a single-county body. With a two-thirds vote of the entire membership of the voting members, the board may also dissolve the authority.

NEW SECTION. **Sec. 10.** RCW 81.112.040 (Board appointments—Voting—Expenses) and 1994 c 109 s 1 & 1992 c 101 s 4 are each repealed.

NEW SECTION. **Sec. 11.** This act is remedial in nature and applies to all regional transit authorities established before or after the effective date of this section.

NEW SECTION. **Sec. 12.** Section 10 of this act takes effect upon certification of the 2018 general election results as described under section 7(3) of this act.

NEW SECTION. **Sec. 13.** The department of transportation must provide notice of the effective date of section 10 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

Renumber the remaining sections consecutively.

On page 5, line 1, after "**Sec. 8.**" strike "This" and insert "Except for sections 7 through 13 of this act, this"

On page 1, line 3 of the title, after "82.44.135" strike "and" and insert ", "

On page 1, line 4 of the title, after "81.112.360" insert ", 81.112.010, and 81.112.030"

On page 1, line 6 of the title, after "creating" strike "a new section" and insert "new sections; repealing RCW 81.112.040; providing a contingent effective date"

Senators O'Ban, Miloscia, Zeiger and Padden spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 563 by Senator O'Ban on page 1, line 10 to Substitute Senate Bill No. 5955.

The motion by Senator O'Ban did not carry and floor amendment no. 563 was not adopted by voice vote.

MOTION

Senator Palumbo moved that the following floor amendment no. 818 by Senator Palumbo be adopted:

On page 3, line 14, after ", and" strike "second, from" and insert "is prohibited from eliminating"

Senators Palumbo and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 818 by Senator Palumbo on page 3, line 14 to Substitute Senate Bill No. 5955.

The motion by Senator Palumbo carried and floor amendment no. 818 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 542 by Senator O'Ban be adopted:

On page 3, after line 23, insert the following:

"(7) To implement the market value adjustment program and deliver the system plan as approved by voters in 2016, the authority must make expenditure reductions over the life of the plan equal to five hundred eighteen million dollars. Expenditure reductions must include reductions to salaries, rent, opening ceremonies, and other operational items that are not directly related to the delivery of the system plan."

On page 4, beginning on line 1, strike all of section 5

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 3 of the title, after "82.44.135" strike "and 81.112.360"

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 3, after line 23 to Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 20; Nays, 24; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Fain, Fortunato, Frockt, Hawkins, Miloscia, O'Ban, Padden, Rolfes, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Chase, Cleveland, Conway, Darneille, Dhingra, Hasegawa, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner, Ericksen, Honeyford, Rivers and Walsh.

MOTION

Senator Becker moved that the following floor amendment no. 562 by Senator Becker be adopted:

On page 3, line 37 after "licensing." insert the following:

"To the greatest extent practicable, the credit provided under this section must be issued using an online process or as part of regular motor vehicle excise tax payment processing."

Senators Becker and Hobbs spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 562 by Senator Becker on page 3, line 37 to Substitute Senate Bill No. 5955.

The motion by Senator Becker carried and floor amendment

no. 562 was adopted by voice vote.

MOTION

Senator Frockt moved that the following floor amendment no. 821 by Senator Frockt be adopted:

On page 4, beginning on line 1, strike all of section 5

Re-number the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 3 of the title, after "82.44.135" strike "and 81.112.360"

Senator Frockt spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 821 by Senator Frockt on page 4, line 1 to Substitute Senate Bill No. 5955.

The motion by Senator Frockt did not carry and floor amendment no. 821 was not adopted by voice vote.

POINT OF ORDER

Senator Schoesler: "Mr. President, there was clearly a call for a division. You did not recognize it. Please, Mr. President, there was a call for division.

REPLY BY THE PRESIDENT

President Habib: "Senator Schoesler, I am telling you that the President heard the call for division, it was made once the ruling had already been made that the amendment had not been adopted. Had anybody said, when the no votes were cast, or when the yea votes were cast, at that time division then the President would have one hundred percent have accommodated that request. And in fact I have even done that with roll call votes that have come tardy, at that late point, I would have been glad to do that. The division call came after the President had announced the amendment was not adopted and the gavel was coming down and that is too late to make that. So, in the future, I would ask members if you are concerned then the time to do that is right when the voting is happening, if it is unclear.

Senator Schoesler: "Mr. President, your gavel has to hit. I believe, perhaps, your hearing may be impaired tonight."

President Habib: "Well, alright. I will take that challenge Senator Schoesler. In the meantime we are going to continue with the debate of these amendments."

MOTION

Senator O'Ban moved that the following floor amendment no. 748 by Senator O'Ban be adopted:

On page 4, beginning on line 28, strike all of section 6

Re-number the remaining sections consecutively.

On page 1, beginning on line 5 of the title, after "RCW;" strike all material through "RCW;" on line 6

Senators O'Ban, Hobbs and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 748 by Senator O'Ban on page 4, line 28 to Substitute Senate Bill No. 5955.

The motion by Senator O'Ban carried and floor amendment no.

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748 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following floor amendment no. 564 by Senator O'Ban be adopted:

On page 4, after line 34, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 81.112 RCW to read as follows:

(1) Any property taxes approved by regional transit authority voters under RCW 81.104.175 may be nullified within the complete boundaries of a city or county within a regional transit authority if a proposition to nullify the property taxes is approved by voters under subsection (2) of this section.

(2) If a petition to nullify regional transit authority property taxes within a city or county is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the city or county for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the governing body within two weeks. The proposition to nullify the property taxes must then be submitted to the voters of the city or county at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The property taxes may then be nullified only if approved by a majority of the voters of the city or county voting on the proposition.

(3) Any regional transit authority property taxes nullified under this section may not be imposed within the boundaries of the affected city or county.

Sec. 8. RCW 81.104.175 and 2015 3rd sp. s. c 44 s 321 are each amended to read as follows:

(1) A regional transit authority that includes a county with a population of more than one million five hundred thousand may impose a regular property tax levy in an amount not to exceed twenty-five cents per thousand dollars of the assessed value of property in the regional transit authority district in accordance with the terms of this section.

(2) Any tax imposed under this section must be used for the purpose of providing high capacity transportation service, as set forth in a proposition that is approved by a majority of the registered voters that vote on the proposition.

(3) Property taxes imposed under this section may be imposed for the period of time required to pay the cost to plan, design, construct, operate, and maintain the transit facilities set forth in the approved proposition. Property taxes pledged to repay bonds may be imposed at the pledged amount until the bonds are retired. After the bonds are retired, property taxes authorized under this section must be:

(a) Reduced to the level required to operate and maintain the regional transit authority's transit facilities; or

(b) Terminated, unless the taxes have been extended by public vote.

(4) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(5) The limitation in RCW 84.55.010 does not apply to the first levy imposed under this section.

(6) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

(7) The authority to impose a tax under this section is subject to section 7 of this act.

Renumber the remaining sections consecutively.

On page 1, line 3 of the title, after "82.44.135" strike "and" and insert "," and on line 4, after "81.112.360" insert ", and 81.104.175"

On page 1, line 6 of the title, after "RCW;" strike "creating a new section;"

Senator O'Ban spoke in favor of adoption of the amendment.

Senator Hobbs spoke against adoption of the amendment.

MOTION

Senator O'Ban demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator O'Ban on page 4, after line 34 to Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator O'Ban and the amendment was not adopted by the following vote: Yeas, 20; Nays, 24; Absent, 0; Excused, 5.

Voting yea: Senators Angel, Bailey, Becker, Braun, Brown, Chase, Fain, Fortunato, Hawkins, King, Miloscia, O'Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Warnick, Wilson and Zeiger

Voting nay: Senators Billig, Carlyle, Cleveland, Conway, Darneille, Dhingra, Froct, Hasegawa, Hobbs, Hunt, Keiser, Kuderer, Lias, McCoy, Mullet, Nelson, Palumbo, Pedersen, Ranker, Rolfes, Saldaña, Takko, Van De Wege and Wellman

Excused: Senators Baumgartner, Ericksen, Honeyford, Rivers and Walsh.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 824 by Senator Fortunato on page 4, line 34 to Engrossed Substitute Senate Bill No. 5955 was withdrawn.

On page 4, after line 34, insert the following:

NEW SECTION. Sec. 7. The sum of one hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2019, from the multimodal transportation account to the joint transportation committee for the purposes of a study on racial disparity on the impacts of increased car tabs on low-income and minority persons."

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

On page 1, line 6 of the title, after "section;" insert "making an appropriation;"

MOTION

Senator Lias moved that the following floor amendment no. 820 by Senators Hobbs, King and Lias be adopted:

On page 4, after line 38, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 36.01 RCW to read as follows:

For any regional transportation authority projects approved by voters after January 1, 2016, a county must take all reasonable, feasible, and lawful measures necessary, including code or rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. A county must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 9. A new section is added to chapter 35.21 RCW to read as follows:

For any regional transportation authority projects approved by voters after January 1, 2016, a city must take all reasonable, feasible, and lawful measures necessary, including code or rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. A city must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.21 RCW to read as follows:

For any regional transportation authority projects approved by voters after January 1, 2016, a city must take all reasonable, feasible, and lawful measures necessary, including code or rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. A city must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 11. A new section is added to chapter 47.01 RCW to read as follows:

If applicable, for any regional transportation authority projects approved by voters after January 1, 2016, the department must take all reasonable, feasible, and lawful measures necessary, including rule amendments and other agreements, to facilitate the preparation, filing, and processing of any required permits as soon as practicable, with the goal of providing land use permit decisions within one hundred twenty days of submittal and other technical permit decisions sooner. Permit facilitation may include assigning a single point of contact accountable for permit processing through environmental, design, and construction phases of a project. If applicable, the department must participate in any project preferred alternative selection process as early as possible in the environmental process to facilitate expedited

planning for regional transportation authority projects approved by voters after January 1, 2016.

NEW SECTION. Sec. 12. A new section is added to chapter 81.112 RCW to read as follows:

A regional transit authority must submit, in compliance with RCW 43.01.036, biennial reports to the transportation committees of the legislature on the status of permit timelines and the effectiveness of sections 8 through 11 of this act in expediting the permitting process for projects approved by voters after January 1, 2016."

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

On page 1, line 5 of the title, after "RCW;" strike "adding a new section to chapter 36.01 RCW; and insert "adding new sections to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 47.01 RCW;"

Senators Liias and King spoke in favor of adoption of the amendment.

Senator Chase spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 820 by Senators Hobbs, King and Liias on page 4, after line 38 to Engrossed Substitute Senate Bill No. 5955.

The motion by Senator Liias carried and floor amendment no. 820 was adopted by voice vote.

MOTION

Senator O'Ban moved that the following striking floor amendment no. 541 by Senator O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if the authority has implemented a market value adjustment program as directed in section 2 of this act.

(3) Any contract entered into under this section must provide that the department receives amounts sufficient to fully cover the costs applicable to the tax collection and market value adjustment process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any unforeseen future administrative costs are borne by the regional transit authority.

(4) If the department enters into a contract with a regional transit authority for the collection of a motor vehicle excise tax authorized in RCW 81.104.160(1), and after the regional transit authority implements a market value adjustment program as directed in section 2 of this act, the department must clearly indicate, when notifying taxpayers of the expected tax due and when collecting the tax: The amount of tax owed under current law, the amount of any credit applied, and the net result.

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NEW SECTION. Sec. 2. A new section is added to chapter 81.112 RCW to read as follows:

(1) A regional transit authority that includes portions of a county with a population of more than one million five hundred thousand and that imposes a motor vehicle excise tax under RCW 81.104.160(1) must establish a market value adjustment program to be implemented by December 31, 2018.

(2) Under the market value adjustment program, the authority must provide a credit against the total motor vehicle excise tax due in an amount equal to the tax due calculated using the vehicle valuation schedule in effect on the effective date of this section, less an amount calculated using an assumed motor vehicle excise tax of 0.5 percent and the value of a motor vehicle based on base model Kelley blue book values or national automobile dealers association values, whichever is lower, if the resulting difference is positive.

(3) Except for the property tax authorized in RCW 81.104.175 and for project schedule adjustments, the program may be funded by any resources available to the authority.

(4) The program must provide credit retroactive to the date that the authority first imposed the tax under RCW 81.104.160(1). The authority, in consultation with the department of licensing, must develop a system to issue refunds of credits with respect to vehicles for which the registrations were renewed before January 1, 2019.

(5) The program must be implemented in a manner that allows the delivery of the system and financing plan approved by the authority's voters in 2017 to the extent practicable. Building on past and ongoing cost-savings efforts, the agency must continue to evaluate measures that may be needed to reduce costs. These measures include, but are not limited to:

(a) Designing projects using the principles of practical design, as described for use by the department of transportation under RCW 47.01.480;

(b) Efficiencies realized in coordinating and integrating activities with other transit agencies and local governments, including through shared maintenance and operations, joint procurement, joint marketing, joint customer services, and joint capital projects; and

(c) Revising project contingency budgets, if practicable.

(6) Until the plan has been completed, the authority must submit, in compliance with RCW 43.01.036, an annual report to the transportation committees of the legislature by December 31st of each year on the status of the delivery of the plan. The report must include detail on the extent to and manner in which the authority has used cost savings to maintain the delivery of the plan as approved by the voters.

NEW SECTION. Sec. 3. This act must be construed to preclude a regional transit authority from defeating any outstanding bond obligations.

NEW SECTION. Sec. 4. Section 2 of this act applies to vehicle registrations that are due or become due on or after January 1, 2019.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "2016;" strike the remainder

of the title and insert "adding a new section to chapter 81.112 RCW; creating new sections; and declaring an emergency."

Senator O'Ban spoke in favor of adoption of the striking amendment.

Senator Hobbs spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 541 by Senator O'Ban to Substitute Senate Bill No. 5955.

The motion by Senator O'Ban did not carry and striking floor amendment no. 541 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5955 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Conway and King spoke in favor of passage of the bill.

Senators O'Ban, Zeiger, Sheldon, Pedersen, Wilson and Fortunato spoke against passage of the bill.

Senators Becker and Fain spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5955.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5955 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Voting yea: Senators Becker, Billig, Chase, Cleveland, Conway, Darneille, Dhingra, Fain, Hasegawa, Hawkins, Hobbs, Hunt, Keiser, King, Kuderer, Liias, McCoy, Miloscia, Mullet, Nelson, O'Ban, Palumbo, Ranker, Rolfes, Saldaña, Takko, Van De Wege, Warnick, Wellman and Zeiger

Voting nay: Senators Angel, Bailey, Braun, Brown, Carlyle, Fortunato, Frockt, Padden, Pedersen, Schoesler, Sheldon, Short, Wagoner and Wilson

Excused: Senators Baumgartner, Ericksen, Honeyford, Rivers and Walsh

ENGROSSED SUBSTITUTE SENATE BILL NO. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:26 a.m., on motion of Senator Liias, the Senate adjourned until 11:00 o'clock a.m. Thursday, March 1, 2018.

CYRUS HABIB, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

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