

FIFTY NINTH DAY

MORNING SESSION

Senate Chamber, Olympia  
Wednesday, March 9, 2016

The Senate was called to order at 11:00 o'clock a.m. by the President of the Senate, Lt. Governor Owen presiding.

The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Sajid Muhammad Amin and Mr. Kaden Carl Lewis, presented the Colors. The prayer was offered by Dr. Andre Sims of Christ the King Bible Fellowship, Federal Way.

MOTION

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

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

The House has passed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2667  
and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

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

ENGROSSED HOUSE BILL NO. 1003,  
SUBSTITUTE HOUSE BILL NO. 1130,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351,  
SECOND SUBSTITUTE HOUSE BILL NO. 1448,  
THIRD SUBSTITUTE HOUSE BILL NO. 1682,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1763,  
ENGROSSED HOUSE BILL NO. 1918,  
SUBSTITUTE HOUSE BILL NO. 2359,  
ENGROSSED HOUSE BILL NO. 2362,  
HOUSE BILL NO. 2394,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511,  
SECOND SUBSTITUTE HOUSE BILL NO. 2530,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,  
HOUSE BILL NO. 2637,  
SECOND SUBSTITUTE HOUSE BILL NO. 2681,  
SUBSTITUTE HOUSE BILL NO. 2711,  
SECOND SUBSTITUTE HOUSE BILL NO. 2791,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793,  
HOUSE BILL NO. 2808,  
SUBSTITUTE HOUSE BILL NO. 2831,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847,  
HOUSE BILL NO. 2856,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906,  
SUBSTITUTE HOUSE BILL NO. 2938,  
ENGROSSED HOUSE BILL NO. 2959,  
ENGROSSED HOUSE BILL NO. 2971,  
HOUSE JOINT MEMORIAL NO. 4010,  
and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

MOTION

On motion of Senator Fain, and without objection, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

MOTION

Senator Hewitt moved adoption of the following resolution:

SENATE RESOLUTION  
8734

By Senators Schoesler, Hewitt, Litzow, King, Becker, Honeyford, Bailey, Braun, Pearson, Dammeier, O'Ban, Rivers, Parlette, Angel, Brown, Padden, Warnick, Dansel, Ericksen, Miloscia, Hill, Hargrove, Hobbs, Chase, Sheldon, Benton, and Fraser

WHEREAS, Judy Rogers-LaVigne has been drawn to the world of politics for much of her adult life, like a moth to a bug zapper; and

WHEREAS, Judy began her career with the Washington legislature as a session aide in 1993; and

WHEREAS, Later that same year Judy served as the state coordinator for Initiative 601, working closely with her friend and mentor state Senator Linda Smith; and

WHEREAS, Judy served as a dedicated congressional staffer for United States Representative Linda Smith from 1995 to 1997, providing compassionate, patient, and dedicated service to the hundreds of individuals and families who sought assistance from the 3rd district congresswoman; and

WHEREAS, Judy returned to the Washington legislature in 1999 as a legislative assistant for state Senator Joe Zarelli; and

WHEREAS, During that same year Judy met the love of her life, George LaVigne, who swept her off her feet by providing a Y2K fix to her home computer--when Judy saw her cat loved George, the rest was history; and

WHEREAS, Judy's husband, George, is wondering what to do with the hundreds of Beanie Babies Judy is now bringing home from her office; and

WHEREAS, Judy became the executive assistant to the Republican Caucus in 2007, where she has provided excellent administrative assistance, motherly advice, and adult supervision; and

WHEREAS, Judy took to heart the insightful advice of her predecessor, Bonnie Boushele, that "a well-fed senator is a happy senator"; and

WHEREAS, This advice led to visits to the Majority Coalition Caucus room by not only Majority Coalition members, but also other visitors like Senator Hargrove; and

WHEREAS, Judy's sons, Shay, Chris, and Andy, are indeed the pride of her life, but they now have serious competition with the arrival two years ago of granddaughter Macy, and the pending arrival of a second granddaughter, to be named later; and

WHEREAS, Judy is also responsible for a constituent, Miss Heidi, who brings great joy to all she meets and who is a particular favorite of Senator Fain's and Senator Hewitt's offices; and

WHEREAS, Judy will be sorely missed by all who know her and have had the privilege to work with her during her more than two decades of service at the Washington legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially honor and thank Judy Rogers-LaVigne for her many years of dedication and hard work on behalf of the people of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Judy Rogers-LaVigne and her family.

Senators Hewitt, Hargrove, Angel, Baumgartner, Parlette, Fraser, Becker, Bailey, Padden and Brown spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8734.

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

#### INTRODUCTION OF GUESTS

The President welcomed and introduced Mrs. Judy Rogers-LaVigne, who was seated at the rostrum.

The President also welcomed and introduced Mr. George LaVigne, Mrs. Judy Rogers-LaVigne's husband, and Mr. Andy Masteller, Mrs. Judy Rogers-LaVigne's son, who were seated in the gallery.

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the seventh order of business.

#### PERSONAL PRIVILEGE

Senator Carlyle: "Thank you so much Mr. President. This morning at about 1:45 a.m., a very gentle and beloved neighborhood in my district, Greenwood neighborhood, experienced a traumatic, a very dangerous explosion, of a gas leak. In that incident, I'm very pleased to report that while nine firefighters were injured, they have all been released. There are some injuries but they have been released. I think I can speak for everyone in feeling so fortunate that this tragedy did not happen midday, which was an extremely busy, dense, populated,

and popular area. One of the restaurants for example, Mr. Gyro, was literally blown up categorically, as one of those places that's extremely popular and there's lines out the door, all the way around the block. So our neighborhood is really feeling the trauma of this very substantial explosion and I'm so grateful that the firefighters who have been injured will hopefully recover and very grateful to the first responders of our entire city. Just wanted to take a moment and ask your appreciation, I appreciate your time in allowing me to recognize the people of Greenwood during this time. Thank you."

#### PERSONAL PRIVILEGE

Senator Fraser: "Thank you, Mr. President. I would like to let everyone know that today the Nisqually Tribe has designated today as Billy Frank, Jr. Day. I would just like to bring up to everyone's attention, and encourage you to think about him and appreciate him today. He's well known to most senators, he was a huge leader as we all know in salmon recovery. I worked closely with him on the development of the Nisqually Basin River Management Plan years ago, which has been a huge success. He has been a leader in forging good federal, state, local, tribal relationships, he has received humanitarian awards, and the Nisqually Wildlife Refuge was recently renamed in his honor. He has had a wonderful impact on our South Sound area, the state and our nation, and actually our world. So just like to encourage everybody to spend some time today appreciating Billy Frank, Jr. who died about a year ago and has made a remarkable impact on our lives together."

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Mullet moved that Connie L. Fletcher, Gubernatorial Appointment No. 9322, be confirmed as a member of the State Board of Education.

Senator Mullet spoke in favor of the motion.

#### APPOINTMENT OF CONNIE L. FLETCHER

The President declared the question before the Senate to be the confirmation of Connie L. Fletcher, Gubernatorial Appointment No. 9322, as a member of the State Board of Education.

The Secretary called the roll on the confirmation of Connie L. Fletcher, Gubernatorial Appointment No. 9322, as a member of the State Board of Education and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Honeyford, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Absent: Senator Hobbs

Connie L. Fletcher, Gubernatorial Appointment No. 9322, having received the constitutional majority was declared confirmed as a member of the State Board of Education.

#### MOTION

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On motion of Senator Habib, and without objection, Senator Hobbs was excused.

member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

## MOTION

Senator Fraser moved that Berl L. Colley, Gubernatorial Appointment No. 9310, be confirmed as a member of the Washington State School for the Blind Board of Trustees.

Senator Fraser spoke in favor of the motion.

## APPOINTMENT OF BERL L. COLLEY

The President declared the question before the Senate to be the confirmation of Berl L. Colley, Gubernatorial Appointment No. 9310, as a member of the Washington State School for the Blind Board of Trustees.

The Secretary called the roll on the confirmation of Berl L. Colley, Gubernatorial Appointment No. 9310, as a member of the Washington State School for the Blind Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Berl L. Colley, Gubernatorial Appointment No. 9310, having received the constitutional majority was declared confirmed as a member of the Washington State School for the Blind Board of Trustees.

## MOTION

Senator Dammeier moved that Nancy K. Fitta, Gubernatorial Appointment No. 9260, be confirmed as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

Senator Dammeier spoke in favor of the motion.

## APPOINTMENT OF NANCY K. FITTA

The President declared the question before the Senate to be the confirmation of Nancy K. Fitta, Gubernatorial Appointment No. 9260, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees.

The Secretary called the roll on the confirmation of Nancy K. Fitta, Gubernatorial Appointment No. 9260, as a member of the Center for Childhood Deafness and Hearing Loss Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Nancy K. Fitta, Gubernatorial Appointment No. 9260, having received the constitutional majority was declared confirmed as a

## INTRODUCTION OF GUESTS

The President welcomed and introduced students from Pateros High School, Pateros, and their advisor Ms. Joy McCulley, guests of Senator Parlette, who were seated in the gallery.

The President also welcomed and introduced eighth grade students from McMurray Middle School, Vashon Island, and their advisor Mr. Evan Justin, guests of Senator Nelson, who were seated in the gallery.

## MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the fourth order of business.

## MESSAGE FROM THE HOUSE

March 4, 2016

## MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6349 with the following amendment(s): 6349.E AMH KIRB H4651.1

On page 8, after line 7, insert the following:

"Sec. 8. RCW 28B.07.040 and 2012 c 229 s 508 are each amended to read as follows:

The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

(1) To promulgate rules in accordance with chapter 34.05 RCW;

(2) To adopt an official seal and to alter the same at pleasure;

(3) To maintain an office at any place or places as the authority may designate;

(4) To sue and be sued in its own name, and to plead and be impleaded;

(5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;

(6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;

(7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;

(8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;

(9) To accept and receive funds, grants, gifts, pledges,

guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;

(10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;

(11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;

(12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;

(13) To charge to and equitably apportion among participants the administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter;

(14) To consult with the student achievement council to determine project priorities under the purposes of this chapter; ((and))

(15) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments; and

(16) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose.

Sec. 9. RCW 39.59.010 and 2015 c 225 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including but not limited to bonds, notes, warrants, or certificates of indebtedness, that evidences an obligation under which the issuer agrees to pay a specified amount of money, with or without interest, at a designated time or times either to registered owners or bearers.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation, authority, or other instrumentality created by such an entity.

(3) ("Money market fund" means a mutual fund the portfolio which consists of only bonds having maturities or demand or tender provisions of not more than one year, managed by an investment advisor who has posted with the office of risk management in the department of enterprise services a bond or other similar instrument in the amount of at least five percent of the amount invested in the fund pursuant to RCW 39.59.030 (2) or (3).

(4) "Mutual fund" means a diversified mutual fund registered with the federal securities and exchange commission and which is managed by an investment advisor with assets under management of at least five hundred million dollars and with at least five years' experience in investing in bonds authorized for investment by this chapter and who has posted with the office of risk management in the department of enterprise services a bond

or other similar instrument in the amount of at least five percent of the amount invested in the fund pursuant to RCW 39.59.030(1).

(5)) "State" includes ((a state, agencies, authorities, and instrumentalities of a state, and public corporations created by a state or agencies, authorities, or instrumentalities of a state)) any state in the United States, other than the state of Washington.

Sec. 10. RCW 39.59.020 and 1988 c 281 s 2 are each amended to read as follows:

((In addition to any other investment authority granted by law and notwithstanding any provision of law to the contrary, the state of Washington and)) (1) Local governments in the state of Washington are authorized to invest their funds and money in their custody or possession, eligible for investment, in((:

(1) Bonds of the state of Washington and any local government in the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(2) General obligation bonds of a state other than the state of Washington and general obligation bonds of a local government of a state other than the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment; or

(4) Any investments authorized by law for the treasurer of the state of Washington or any local government of the state of Washington other than a metropolitan municipal corporation but, except as provided in chapter 39.58 RCW, such investments shall not include certificates of deposit of banks or bank branches not located in the state of Washington)) investments authorized by this chapter.

(2) Nothing in this section is intended to limit or otherwise restrict a local government from investing in additional authorized investments if that local government has specific authority to do so.

NEW SECTION. Sec. 11. A new section is added to chapter 39.59 RCW to read as follows:

Any local government in the state of Washington may invest in:

(1) Bonds of the state of Washington and any local government in the state of Washington;

(2) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment;

(4) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(5) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(6) Bankers' acceptances purchased on the secondary market;

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(7) Commercial paper purchased in the secondary market, provided that any local government of the state of Washington that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; and

(8) Corporate notes purchased on the secondary market, provided that any local government of the state of Washington that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board.

NEW SECTION. Sec. 12. RCW 39.59.030 (Authorized investments—Mutual funds and money market funds) and 1988 c 281 s 3 are each repealed.

Sec. 13. RCW 39.60.010 and 1939 c 32 s 1 are each amended to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be lawful ((for the state of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or)) for any insurance company, savings and loan association, or for any bank, trust company or other financial institution, operating under the laws of the state of Washington, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest its funds or the moneys in its custody or possession, eligible for investment, in notes or bonds secured by mortgage which the Federal Housing Administrator has insured or has made a commitment to insure in obligations of national mortgage associations, in debentures issued by the Federal Housing Administrator, and in the bonds of the Home Owner's Loan Corporation, a corporation organized under and by virtue of the authority granted in H.R. 5240, designated as the Home Owner's Loan Act of 1933, passed by the congress of the United States and approved June 13, 1933, and in bonds of any other corporation which is or hereafter may be created by the United States, as a governmental agency or instrumentality.

Sec. 14. RCW 39.60.020 and 1933 ex.s. c 37 s 2 are each amended to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be also lawful ((for the state of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivisions of the state, or any political or public corporation of the state, or)) for any insurance company, savings and loan association, building and loan association, or for any bank, trust company or other financial institution, operating under the laws of the state of Washington, or for any executor, administrator, guardian or conservator, trustee or other fiduciary, to exchange any mortgages, contracts, judgments or liens owned or held by it, for the bonds of the Home Owners' Loan Corporation, a corporation organized under and by virtue of the authority granted in H.R. 5240, designated as The Home Owners' Loan Act of 1933, passed by the congress of the United States and approved June 13, 1933, or for the bonds of any other corporation which is or hereafter may be created by the United States as a governmental agency or instrumentality; and to accept said bonds at their par value in any such exchange.

Sec. 15. RCW 39.60.030 and 1939 c 32 s 2 are each amended to read as follows:

Wherever, by statute of this state, collateral is required as security for the deposit of ((public or other)) funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, the bonds and other securities herein made eligible for investment shall also be eligible for such purpose.

Sec. 16. RCW 39.60.040 and 1967 ex.s. c 48 s 1 are each amended to read as follows:

The obligations issued pursuant to said Federal Home Loan Bank Act and to said Title IV of the National Housing Act as such acts are now or hereafter amended, and the shares, deposits or accounts of any institution which has the insurance protection provided by Title IV of the National Housing Act, as now or hereafter amended, may be used at face value or withdrawal value, and bonds or other interest bearing obligations as to which the payment of some but less than the full principal and interest is guaranteed by the United States of America or any agency thereof may be used to the extent of the portion so guaranteed, wherever, by statute of this state or otherwise, collateral is required as security for the deposit of ((public or other)) funds, or deposits are required to be made with any public official or department, or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated security, or wherever by statute of this state or otherwise, any surety, whether personal, corporate, or otherwise, or any collateral or security, is required or permitted for any purpose, including without limitation on the generality of the foregoing, any bond, recognizance, or undertaking.

Sec. 17. RCW 39.60.050 and 1970 ex.s. c 93 s 1 are each amended to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be lawful ((for the state of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision, or any political or public corporation of the state, or)) for any executor, administrator, guardian, or conservator, trustee or other fiduciary, to invest its funds or the moneys in its custody or possession, eligible for investment, in notes, bonds, or debentures of savings and loan associations, banks, mutual savings banks, savings and loan service corporations operating with approval of the federal home loan bank, and corporate mortgage companies: PROVIDED, That the notes, bonds or debentures are rated not less than "A" by a nationally recognized rating agency, or are insured or guaranteed by an agency of the federal government or by private insurer authorized to do business in the state: PROVIDED FURTHER, That the notes, bonds and debentures insured or guaranteed by a private insurer shall also be backed by a pool of mortgages equal to the amount of the notes, bonds or debentures.

Sec. 18. RCW 43.84.080 and 1982 c 148 s 1 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following ((defined securities or classes of investments)):

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(2) In state, county, municipal, or school district bonds, notes, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the

open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) ((In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

((4))) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

((5))) (4) Bankers' acceptances purchased on the secondary market;

((6)) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

((7))) (5) Commercial paper((: PROVIDED,)) purchased on the secondary market, provided that the state treasurer ((shall)) adheres to the investment policies and procedures adopted by the state investment board;

(6) General obligation bonds of any state and general obligation bonds of local governments of other states, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency; and

(7) Corporate notes purchased on the secondary market, provided that the state treasurer adheres to the investment policies and procedures adopted by the state investment board.

Sec. 19. RCW 43.250.020 and 2010 1st sp.s. c 10 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Authorized tribal official" means any officer or employee of a qualifying federally recognized tribe who has been expressly designated by tribal constitution, ordinance, or resolution as the officer having the authority to invest the funds of the qualifying federally recognized tribe or federally recognized political subdivisions thereof.

(2) "Eligible governmental entity" means any county, city, town, municipal corporation, quasi-municipal corporation, public corporation, political subdivision, or special purpose taxing district in the state, an instrumentality of any of the foregoing governmental entities created under chapter 39.34 RCW, any agency of state government, any entity issuing or executing and delivering bonds or certificates of participation with respect to financing contracts approved by the state finance committee under RCW 39.94.040, and any qualifying federally recognized tribe or federally recognized political subdivisions thereof.

(3) "Financial officer" means the board-appointed treasurer of a community or technical college district, the state board for community and technical colleges, or a public four-year institution of higher education.

(4) "Funds" means:

(a) Funds of an eligible governmental entity under the control of or in the custody of any government finance official or local funds, as defined by the office of financial management publication "Policies, Regulations and Procedures," under the control of or in the custody of a financial officer by virtue of the official's authority that are not immediately required to meet current demands(;

(b) State funds deposited in the investment pool by the state treasurer that are the proceeds of bonds, notes, or other evidences

of indebtedness authorized by the state finance committee under chapter 39.42 RCW, or the proceeds of bonds or certificates of participation with respect to financing contracts approved by the state finance committee under RCW 39.94.040, or payments pursuant to financing contracts under chapter 39.94 RCW, when the investments are made in order to comply with the Internal Revenue Code of 1986, as amended)); and

((c)) (b) Tribal funds under the control of or in the custody of any qualifying federally recognized tribe or federally recognized political subdivisions thereof, where the tribe warrants that the use or disposition of the funds are either not subject to, or are used and deposited with federal approval, and where the tribe warrants that the funds are not immediately required to meet current demands.

(5) "Government finance official" means any officer or employee of an eligible governmental entity who has been designated by statute or by local charter, ordinance, resolution, or other appropriate official action, as the officer having the authority to invest the funds of the eligible governmental entity. However, the county treasurer shall be deemed the only government finance official for all public agencies for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(6) "Public funds investment account" or "investment pool" means the aggregate of all funds as defined in subsection (4) of this section that are placed in the custody of the state treasurer for investment and reinvestment.

(7) "Qualifying federally recognized tribe or federally recognized political subdivisions thereof" means any federally recognized tribe, located in the state of Washington, authorized and empowered by its constitution or ordinance to invest its surplus funds pursuant to this section, and whose authorized tribal official has executed a deposit agreement with the office of the treasurer.

NEW SECTION. Sec. 20. RCW 43.250.090 (Administration of chapter—Rules) and 1986 c 294 s 9 are each repealed.

NEW SECTION. Sec. 21. A new section is added to chapter 28B.10 RCW to read as follows:

(1) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Bond" means any agreement which may or may not be represented by a physical instrument, including but not limited to bonds, notes, warrants, or certificates of indebtedness, that evidences an obligation under which the issuer agrees to pay a specified amount of money, with or without interest, at a designated time or times either to registered owners or bearers.

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation, authority, or other instrumentality created by such an entity.

(c) "State" includes any state in the United States, other than the state of Washington.

(2) In addition to any other statutorily authorized investments permissible pursuant to chapters 28B.20, 28B.30, 28B.35, 28B.40, and 28B.50 RCW, institutions of higher education may invest in:

(a) Bonds of the state of Washington and any local government in the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(b) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(c) Subject to compliance with RCW 39.56.030, registered

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warrants of a local government in the same county as the institution of higher education making the investment;

(d) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(e) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(f) Bankers' acceptances purchased on the secondary market;

(g) Commercial paper purchased in the secondary market, provided that any institution of higher education that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; and

(h) Corporate notes purchased on the secondary market, provided that any institution of higher education that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board.

(3) Nothing in this section limits the investment authority granted pursuant to chapters 28B.20, 28B.30, 28B.35, 28B.40, and 28B.50 RCW."

Correct the title.

BERNARD DEAN, Deputy Chief Clerk

#### MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6349.

Senators Benton and Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6349.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6349 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6349, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6349, as amended by the House, 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, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SENATE BILL NO. 6349, as amended by the

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

#### MESSAGE FROM THE HOUSE

March 2, 2016

MR. PRESIDENT:

The House passed ENGROSSED SENATE BILL NO. 6413 with the following amendment(s): 6413.E AMH JUDI H4586.1

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.18.030 and 2015 c 264 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(2) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(3) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(4) "Distressed home" has the same meaning as in RCW 61.34.020.

(5) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(6) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(7) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(8) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(9) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(10) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(11) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(12) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(13) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(14) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(15) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(16) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(17) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(18) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(19) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(20) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(21) "Reasonable manner," with respect to disposing of a

deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(22) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(23) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(24) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(25) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(26) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(27) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

(28) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past thirty days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(29) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(30) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of



address history and alias information provided by the prospective tenant or available in the consumer credit report.

Sec. 2. RCW 59.18.257 and 2012 c 41 s 3 are each amended to read as follows:

(1)(a) Prior to obtaining any information about a prospective tenant, the prospective landlord shall first notify the prospective tenant in writing, or by posting, of the following:

(i) What types of information will be accessed to conduct the tenant screening;

(ii) What criteria may result in denial of the application; ((and))

(iii) If a consumer report is used, the name and address of the consumer reporting agency and the prospective tenant's rights to obtain a free copy of the consumer report in the event of a denial or other adverse action, and to dispute the accuracy of information appearing in the consumer report; and

(iv) Whether or not the landlord will accept a comprehensive reusable tenant screening report made available to the landlord by a consumer reporting agency. If the landlord indicates its willingness to accept a comprehensive reusable tenant screening report, the landlord may access the landlord's own tenant screening report regarding a prospective tenant as long as the prospective tenant is not charged for the landlord's own tenant screening report.

(b)(i) The landlord may charge a prospective tenant for costs incurred in obtaining a tenant screening report only if the prospective landlord provides the information as required in (a) of this subsection.

(ii) If a prospective landlord conducts his or her own screening of tenants, the prospective landlord may charge his or her actual costs in obtaining the background information only if the prospective landlord provides the information as required in (a) of this subsection. The amount charged may not exceed the customary costs charged by a screening service in the general area. The prospective landlord's actual costs include costs incurred for long distance phone calls and for time spent calling landlords, employers, and financial institutions.

(c) If a prospective landlord takes an adverse action, the prospective landlord shall provide a written notice of the adverse action to the prospective tenant that states the reasons for the adverse action. The adverse action notice must contain the following information in a substantially similar format, including additional information as may be required under chapter 19.182 RCW:

"ADVERSE ACTION NOTICE

Name

Address

City/State/Zip Code

This notice is to inform you that your application has been:

..... Rejected

..... Approved with conditions:

..... Residency requires an increased deposit

..... Residency requires a qualified guarantor

..... Residency requires last month's rent

..... Residency requires an increased monthly rent of \$.....

..... Other:

Adverse action on your application was based on the following:

..... Information contained in a consumer report (The prospective landlord must include the name, address, and phone number of the consumer reporting agency that furnished the consumer report that contributed to the adverse action.)

..... The consumer credit report did not contain sufficient information

..... Information received from previous rental history or

reference

..... Information received in a criminal record

..... Information received in a civil record

..... Information received from an employment verification

Dated this ..... day of ....., ((20))....(year)

Agent/Owner Signature"

(2) Any landlord who maintains a web site advertising the rental of a dwelling unit or as a source of information for current or prospective tenants must include a statement on the property's home page stating whether or not the landlord will accept a comprehensive reusable tenant screening report made available to the landlord by a consumer reporting agency. If the landlord indicates its willingness to accept a comprehensive reusable tenant screening report, the landlord may access the landlord's own tenant screening report regarding a prospective tenant as long as the prospective tenant is not charged for the landlord's own tenant screening report.

(3) Any landlord or prospective landlord who violates subsection (1) of this section may be liable to the prospective tenant for an amount not to exceed one hundred dollars. The prevailing party may also recover court costs and reasonable attorneys' fees.

((3) A stakeholder work group comprised of landlords, tenant advocates, and representatives of consumer reporting and tenant screening companies shall convene for the purposes of addressing the issues of tenant screening including, but not limited to: A tenant's cost of obtaining a tenant screening report; the portability of tenant screening reports; criteria used to evaluate a prospective tenant's background, including which court records may or may not be considered; and the regulation of tenant screening services. Specific recommendations on these issues are due to the legislature by December 1, 2012.))

(4) This section does not limit a prospective tenant's rights or the duties of a screening service as otherwise provided in chapter 19.182 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 59.18 RCW to read as follows:

(1) A court may order an unlawful detainer action to be of limited dissemination for one or more persons if: (a) The court finds that the plaintiff's case was sufficiently without basis in fact or law; (b) the tenancy was reinstated under RCW 59.18.410 or other law; or (c) other good cause exists for limiting dissemination of the unlawful detainer action.

(2) An order to limit dissemination of an unlawful detainer action must be in writing.

(3) When an order for limited dissemination of an unlawful detainer action has been entered with respect to a person, a tenant screening service provider must not: (a) Disclose the existence of that unlawful detainer action in a tenant screening report pertaining to the person for whom dissemination has been limited, or (b) use the unlawful detainer action as a factor in determining any score or recommendation to be included in a tenant screening report pertaining to the person for whom dissemination has been limited.

Sec. 4. RCW 59.18.280 and 2010 c 8 s 19027 are each amended to read as follows:

(1) Within ((fourteen)) twenty-one days after the termination of the rental agreement and vacation of the premises or, if the tenant abandons the premises as defined in RCW 59.18.310, within ((fourteen)) twenty-one days after the landlord learns of the abandonment, the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement.

(a) No portion of any deposit shall be withheld on account of

wear resulting from ordinary use of the premises.

(b) The landlord complies with this section if the required statement or payment, or both, are delivered to the tenant personally or deposited in the United States mail properly addressed to the tenant's last known address with first-class postage prepaid within the ((fourteen)) twenty-one days.

((The notice shall be delivered to the tenant personally or by mail to his or her last known address.)) (2) If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above he or she shall be liable to the tenant for the full amount of the deposit. The landlord is also barred in any action brought by the tenant to recover the deposit from asserting any claim or raising any defense for retaining any of the deposit unless the landlord shows that circumstances beyond the landlord's control prevented the landlord from providing the statement within the ((fourteen)) twenty-one days or that the tenant abandoned the premises as defined in RCW 59.18.310. The court may in its discretion award up to two times the amount of the deposit for the intentional refusal of the landlord to give the statement or refund due. In any action brought by the tenant to recover the deposit, the prevailing party shall additionally be entitled to the cost of suit or arbitration including a reasonable attorneys' fee.

(3) Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against a tenant to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorneys' fees."

Correct the title.

BERNARD DEAN, Deputy Chief Clerk

#### MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6413.

Senators Benton and Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Engrossed Senate Bill No. 6413.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Engrossed Senate Bill No. 6413 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6413, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6413, as amended by the House, 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, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Erickson, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SENATE BILL NO. 6413, as amended by the

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

#### MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

The House passed SENATE BILL NO. 5180 with the following amendment(s): 5180 AMH POLL H4712.1; 5180 AMH KUDE CLOD 103

Beginning on page 8, line 28, after "(1)" strike all material through "confidential." on page 10, line 10 and insert "(a) The opinion and memorandum in support of the opinion submitted to the commissioner under RCW 48.74.025 are confidential and privileged, are exempt from disclosure pursuant to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action, only if and to the extent that the opinion and memorandum supporting the opinion independently qualify for exemption from disclosure as documents, materials, or information in the possession of the commissioner pursuant to a financial conduct examination.

(b) If independently qualifying for exemption from disclosure, as provided in (a) of this subsection, the provisions of RCW 48.02.065 apply to the opinion and memorandum in support of the opinion to the same extent as documents, materials, and information in possession of the commissioner pursuant to a financial conduct examination.

(2) In addition to the provisions of RCW 48.02.065, (a) through (c) of this subsection apply to the opinion and memorandum in support of the opinion submitted to the commissioner under RCW 48.74.025.

(a) A memorandum in support of the opinion, and any other material provided by the company to the commissioner in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this section or by rules adopted under this section.

(b) A memorandum or other material may otherwise be released by the commissioner with the written consent of the company or to the American academy of actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material.

(c) Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum are no longer confidential.

(3) Included in those agencies or organizations with which the commissioner may share the opinion and memorandum in support of the opinion, as provided in this section and RCW 48.02.065, is the office of the attorney general for purposes of investigating any consumer protection or antitrust action."

Beginning on page 38, line 28, strike all of sections 19, 20, and 21 and insert the following:

"Sec. 19. RCW 42.56.400 and 2015 c 122 s 13 and 2015 c 17 s 10 are each reenacted and amended to read as follows:

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

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

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

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

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

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

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

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

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

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

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

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

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

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

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

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

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

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

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

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

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

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

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as

receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; ((and))

(23) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW; and

(24) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, sections 6, 13(6), 14(2) (b) and (c), and 15 of this act to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065.

NEW SECTION. Sec. 21 Sections 1 through 19 of this act take effect January 1, 2017."

Correct the title.

EFFECT: (1) Changes the disclosure provisions so that the opinion, memorandum in support of the opinion, and other information submitted to the insurance commissioner under the act are confidential and exempt from disclosure only to the extent that the opinion, memorandum in support of the opinion, and other information independently qualify as documents, materials, or information in possession of the commissioner that are submitted pursuant to a financial conduct examination and confidential and exempt from disclosure under current law (RCW 48.02.065).

(2) Makes a technical correction to update RCW 42.56.400 to reflect legislation passed in 2015 so that the bill amends the correct version of RCW 42.56.400, thus enabling proper codification.

(3) Changes the effective date from January 1, 2016, to January 1, 2017.

On page 24, line 35, after "reserves" insert ", consistent with the commissioner's superseding authority to establish reserves pursuant to section 13(7) of this act,"

BARBARA BAKER, Chief Clerk

MOTION

Senator Benton moved that the Senate concur in the House amendment(s) to Senate Bill No. 5180.

Senators Benton and Mullet spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Benton that the Senate concur in the House amendment(s) to Senate Bill No. 5180.

The motion by Senator Benton carried and the Senate concurred in the House amendment(s) to Senate Bill No. 5180 by

voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5180, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5180, as amended by the House, 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, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

SENATE BILL NO. 5180, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### STATEMENT FOR THE JOURNAL

It was my intention to vote 'No' on SB 5180. I'm concerned that changing the way reserves will be calculated from an experience-based reserve to a reserve based on projected revenues could jeopardize the solvency of insurance plans by allowing insufficient reserves based on overly optimistic revenue projections.

SENATOR Hasegawa, 11 Legislative District

#### MESSAGE FROM THE HOUSE

March 4, 2016

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6327 with the following amendment(s): 6327-S AMH HCW H4594.1

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.41.020 and 2015 c 23 s 5 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2) "Department" means the Washington state department of health.

((2)) (3) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(4) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

((3)) (5) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

((4)) (6) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

((5)) (7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

((6)) (8) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

(9) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

((7)) (10) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((8)) (11) "Secretary" means the secretary of health.

((9)) (12) "Sexual assault" has the same meaning as in RCW 70.125.030.

((10)) (13) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

((11)) (14) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) In addition to the requirements in RCW 70.41.320, hospital discharge policies must ensure that the discharge plan is appropriate for the patient's physical condition, emotional and social needs, and, if a lay caregiver is designated takes into

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consideration, to the extent possible, the lay caregiver's abilities as disclosed to the hospital.

(2) As part of a patient's individualized treatment plan, discharge criteria must include, but not be limited to, the following components:

- (a) The details of the discharge plan;
  - (b) Hospital staff assessment of the patient's ability for self-care after discharge;
  - (c) An opportunity for the patient to designate a lay caregiver;
  - (d) Documentation of any designated lay caregiver's contact information;
  - (e) A description of aftercare tasks necessary to promote the patient's ability to stay at home;
  - (f) An opportunity for the patient and, if designated, the patient's lay caregiver to participate in the discharge planning;
  - (g) Instruction or training provided to the patient and, if designated, the patient's lay caregiver, prior to discharge, to perform aftercare tasks. Instruction or training may include education and counseling about the patient's medications, including dosing and proper use of medication delivery devices when applicable; and
  - (h) Notification to a lay caregiver, if designated, of the patient's discharge or transfer.
- (3) In the event that a hospital is unable to contact a designated lay caregiver, the lack of contact may not interfere with, delay, or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

NEW SECTION. Sec. 3. A new section is added to chapter 70.41 RCW to read as follows:

Section 2 of this act does not require a hospital to adopt discharge policies or criteria that:

- (1) Delay a patient's discharge or transfer to another facility or to home; or
- (2) Require the disclosure of protected health information to a lay caregiver without obtaining a patient's consent as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations.

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

Nothing in section 2 of this act may be construed to:

- (1) Interfere with the rights or duties of an agent operating under a valid health care directive under RCW 70.122.030;
- (2) Interfere with designations made by a patient pursuant to a physician order for life-sustaining treatment under RCW 43.70.480;
- (3) Interfere with the rights or duties of an authorized surrogate decision maker under RCW 7.70.065;
- (4) Establish a new requirement to reimburse or otherwise pay for services performed by the lay caregiver for aftercare;
- (5) Create a private right of action against a hospital or any of its directors, trustees, officers, employees, or agents, or any contractors with whom the hospital has a contractual relationship;
- (6) Hold liable, in any way, a hospital, hospital employee, or any consultants or contractors with whom the hospital has a contractual relationship for the services rendered or not rendered by the lay caregiver to the patient at the patient's residence;
- (7) Obligate a designated lay caregiver to perform any aftercare tasks for any patient;
- (8) Require a patient to designate any individual as a lay caregiver as defined in RCW 70.41.020;
- (9) Obviate the obligation of a health carrier as defined in RCW 48.43.005 or any other entity issuing health benefit plans to provide coverage required under a health benefit plan; and

(10) Impact, impede, or otherwise disrupt or reduce the reimbursement obligations of a health carrier or any other entity issuing health benefit plans.

Sec. 5. RCW 70.41.320 and 1998 c 245 s 127 are each amended to read as follows:

(1) Hospitals and acute care facilities shall:

- (a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.
- (b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.
- (c) Establish written policies and procedures to:
  - (i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;
  - (ii) Subject to section 2 of this act, develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;
  - (iii) Coordinate with patient, family, caregiver, lay caregiver as provided in section 2 of this act, a long-term care worker as defined in RCW 74.39A.009, a home and community-based service provider such as an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010, and appropriate members of the health care team;
  - (iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the community, including the relative cost, eligibility criteria, location, and contact persons;
  - (v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; ((and))
  - (vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care; and
  - (vii) Inform the patient or his or her surrogate decision maker designated under RCW 7.70.065 if it is necessary to complete a valid disclosure authorization as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations, in order to allow disclosure of health care information, including the discharge plan, to an individual or entity that will be involved in the patient's care upon discharge, including a lay caregiver as defined in RCW 70.41.020, a long-term care worker as defined in RCW 74.39A.009, a home and community-based service provider such as an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010. If a valid disclosure authorization is obtained, the hospital may release information as designated by the patient for care coordination or other specified purposes.
- (d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.
- (2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's

hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility."

Correct the title.

BERNARD DEAN, Deputy Chief Clerk

#### MOTION

Senator Bailey moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6327 and ask the House to recede therefrom.

Senator Bailey spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Bailey that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6327 and ask the House to recede therefrom.

The motion by Senator Bailey carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6327 and asked the House to recede therefrom by voice vote.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the sixth order of business.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, by House Committee on Public Safety (originally sponsored by Representatives Goodman, Klippert, Orwall, Hayes, Kuderer, Pettigrew, Muri, Ortiz-Self and Kilduff)

Concerning impaired driving.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following committee striking amendment by the Committee on Transportation be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.28A.320 and 2015 2nd sp.s. c 3 s 16 are each amended to read as follows:

There is hereby established in the custody of the state ((treasury)) treasurer the 24/7 sobriety account. The account shall be maintained and administered by the criminal justice training commission to reimburse the state for costs associated with establishing and operating the 24/7 sobriety program and the Washington association of sheriffs and police chiefs for ongoing 24/7 sobriety program administration costs. An appropriation is not required for expenditures and the account is not subject to

allotment procedures under chapter 43.88 RCW. Funds in the account may not lapse and must carry forward from biennium to biennium. Interest earned by the account must be retained in the account. The criminal justice training commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments.

Sec. 2. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees'

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and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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

Sec. 3. RCW 46.01.260 and 2015 2nd sp.s. c 3 s 10 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director may destroy applications for vehicle registrations, copies of vehicle registrations issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, and records or supporting papers on file in the department that have been microfilmed or photographed or are more than five years old. The director may destroy applications for vehicle registrations that are renewal applications when the computer record of the applications has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.520, and 46.61.522, ((or)) records of deferred prosecutions granted under RCW 10.05.120, or any other records of a prior offense as defined in RCW 46.61.5055 and shall maintain such records permanently on file.

(b) ((The director shall not, within fifteen years from the date of conviction or adjudication, destroy records if the offense was originally charged as one of the offenses designated in (a) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) of this subsection.

(c)) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 4. RCW 46.64.025 and 2012 c 82 s 5 are each amended to read as follows:

Whenever any person served with a traffic citation or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation or fails to comply with the terms of a notice of traffic citation for a moving violation or a traffic-related criminal complaint, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

Sec. 5. RCW 46.20.291 and 2007 c 393 s 2 are each amended to read as follows:

The department is authorized to suspend the license of a driver

upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

Sec. 6. RCW 46.20.289 and 2012 c 82 s 3 are each amended to read as follows:

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, violated a written promise to appear in court for a notice of infraction for a moving violation, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation, or when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005. A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

Sec. 7. RCW 9.94A.533 and 2015 c 134 s 2 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime,

and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(((3))) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total

period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(((3))) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.



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For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection ((shall be)) are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(((3))) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one-year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one-year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined

by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 8. RCW 46.61.506 and 2015 2nd sp.s. c 3 s 22 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an osteopathic physician assistant licensed under chapter 18.57A RCW; an advanced emergency medical technician or paramedic licensed under chapter 18.73 RCW; until July 1, 2016, a health care assistant certified under chapter 18.135 RCW; or a medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(7) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 9. RCW 10.31.100 and 2014 c 202 s 307, 2014 c 100 s 2, and 2014 c 5 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition,

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possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial

officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 10. RCW 10.01.230 and 2011 c 293 s 15 are each amended to read as follows:

(1) The Washington traffic safety commission may develop and maintain a registry of qualified victim impact panels. When imposing a requirement that an offender attend a victim impact panel under RCW 46.61.5152, the court may refer the offender to a victim impact panel that is listed in the registry. The Washington traffic safety commission may consult with victim impact panel organizations to develop and maintain a registry.

(2) To be listed on the registry, the victim impact panel must meet the following minimum standards:

(a) The victim impact panel must address the effects of driving while impaired on individuals and families and address alternatives to drinking and driving and drug use and driving;

(b) The victim impact panel ((should strive to)) shall have at least two different speakers, one of whom is a victim survivor of an impaired driving crash, to present their stories in person. A victim survivor may be the panel facilitator. The victim impact panel should be a minimum of sixty minutes of presentation, not including registration and administration time;

(c) The victim impact panel shall have policies and procedures to recruit, screen, train, and provide feedback and ongoing support to the panelists. The panel shall take reasonable steps to verify the authenticity of each panelist's story;

(d) Pursuant to (b) of this subsection, the victim impact panel shall use in-person speakers for each presentation for a minimum of sixty minutes of presentation. The victim impact panel may supplement the in-person presentations with prerecorded videos, but in no case shall the videos shown exceed fifteen minutes of presentation;

(e) The victim impact panel shall charge a reasonable fee to all persons required to attend, unless otherwise ordered by the court;

((e)) (f) The victim impact panel shall have a policy to prohibit admittance of anyone under the influence of alcohol or drugs, or anyone whose actions or behavior are otherwise inappropriate. The victim impact panel may institute additional admission requirements;

((f)) (g) The victim impact panel shall maintain attendance records for at least five years;

((g)) (h) The victim impact panel shall make reasonable efforts to use a facility that meets standards established by the Americans with disabilities act;

((h)) (i) The victim impact panel may provide referral information to other community services; and

((i)) (j) The victim impact panel shall have a designated facilitator who is responsible for the compliance with these minimum standards and who is responsible for maintaining appropriate records and communication with the referring courts and probationary departments regarding attendance or nonattendance.

Sec. 11. RCW 10.05.140 and 2013 2nd sp.s. c 35 s 21 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that

established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720((3)). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 12. RCW 46.20.311 and 2006 c 73 s 15 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle

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owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW ((or a residential or visitation order)), the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 13. RCW 46.20.385 and 2015 2nd sp.s. c 3 s 3 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6). ((Subject to the provisions of RCW 46.20.720(3)(b)(ii), the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant

to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.))

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

((iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720, 46.61.5055, 10.05.140, 46.61.500(3), and 46.61.5249(4). Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720 (2) or (3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (1)(c)(iii), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).))

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 14. RCW 46.20.720 and 2013 2nd sp.s. c 35 s 19 are each amended to read as follows:

(1) ((The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2) Under RCW 46.61.5055 and subject to the exceptions listed in that statute, the court shall order any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(3)(a) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.5249 or 46.61.500 and is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person.

(b)(i) Except as provided in (b)(ii) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a

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person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(ii) The employer exemption does not apply:

(A) When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment;

(B) For the first thirty days after an ignition interlock device has been installed as the result of a first conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(C) For the first three hundred sixty-five days after an ignition interlock device has been installed as the result of a second or subsequent conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance.

(c) The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. Subject to the provisions of subsections (4) and (5) of this section, the period of time of the restriction will be no less than:

(i) For a person who has not previously been restricted under this section, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) For a person required to install an ignition interlock device pursuant to RCW 46.61.5249(4) or 46.61.500(3), the period of time of the restriction shall be for six months and shall be subject to subsection (4) of this section.

(6) In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account.)) Ignition interlock restriction. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition

interlock device:

(a) Pretrial release. Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) Ignition interlock driver's license. As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) Deferred prosecution. Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) Post conviction. After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) Court order. Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) Calibration. Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) Duration of restriction. A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) Subsection (1)(e) of this section shall remain in effect for

the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after the effective date of this section must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person.

(4) Requirements for removal. A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) Day-for-day credit. (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) Employer exemption. (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) Ignition interlock device revolving account. In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month.

Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) Foreign jurisdiction. For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 15. RCW 46.20.308 and 2015 2nd sp.s. c 3 s 5 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath for the purpose of determining the alcohol concentration in his or her breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. Prior to administering a breath test pursuant to this section, the officer shall inform the person of his or her right under this section to refuse the breath test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if:

(i) The driver is age twenty-one or over and the test indicates either that the alcohol concentration of the driver's breath is 0.08 or more; or

(ii) The driver is under age twenty-one and the test indicates either that the alcohol concentration of the driver's breath is 0.02 or more; or

(iii) The driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested exercises the right, granted herein, by refusing upon the request of a law enforcement officer to submit to a test or tests of his or her breath, no test shall be given except as otherwise authorized by law.

(4) Nothing in subsection (1), (2), or (3) of this section precludes a law enforcement officer from obtaining a person's blood to test for alcohol, marijuana, or any drug, pursuant to a



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search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law. Any blood drawn for the purpose of determining the person's alcohol, marijuana levels, or any drug, is drawn pursuant to this section when the officer has reasonable grounds to believe that the person is in physical control or driving a vehicle under the influence or in violation of RCW 46.61.503.

(5) If, after arrest and after any other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood is 0.02 or more, or the THC concentration of the person's blood is above 0.00, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (6) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (7) of this section;

(c) Serve notice in writing that the license or permit, if any, is a temporary license that is valid for ((sixty)) thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(d) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol or THC concentration in violation of RCW 46.61.503;

(ii) That after receipt of any applicable warnings required by subsection (2) of this section the person refused to submit to a test of his or her breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(6) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (5)(d) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective

beginning ((sixty)) thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first.

(7) A person receiving notification under subsection (5)(b) of this section may, within ((twenty)) seven days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within ((twenty)) seven days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within ((sixty)) thirty days, excluding Saturdays, Sundays, and legal holidays, following the date of timely receipt of such request for a formal hearing before the department or thirty days, excluding Saturdays, Sundays, and legal holidays following ((the arrest or following)) the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license under subsection (5) of this section extended, if the person is otherwise eligible for licensing. Unless otherwise agreed to by the department and the person, the department must give five days notice of the hearing to the person. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person was age twenty-one or over at the time of the arrest, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person was under the age of twenty-one at the time of the arrest. Where a person is found to be in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was under the age of twenty-one at the time of the arrest and was in physical control of a motor vehicle while having alcohol in his or her system in a

concentration of 0.02 or THC concentration above 0.00, the person may petition the hearing officer to apply the affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The driver has the burden to prove the affirmative defense by a preponderance of the evidence. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(8) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(9)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (6) of this section, other than as a result of a breath test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (6) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license under subsection (5) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he or she has a license.

Sec. 16. RCW 10.21.055 and 2015 2nd sp.s. c 3 s 2 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of

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this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed: (i) As a condition of release pursuant to (a) of this subsection; or (ii) in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, and the offense involves alcohol. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under ((a) of) this ((subsection)) section, the court shall immediately notify the department of licensing regarding the lifting of the ignition interlock restriction and the department of licensing shall release any attachment, imprint, or notation on such person's driving record relating to the ignition interlock requirement imposed under this section.

(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

Sec. 17. RCW 46.61.5055 and 2015 2nd sp.s. c 3 s 9 are each amended to read as follows:

(1) No prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than

fifteen days of electronic home monitoring or a ninety day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) One prior offense in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where

the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) Two or three prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an

additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) Four or more prior offenses in ten years. A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

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(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) Monitoring.

(a) Ignition interlock device. The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) Monitoring devices. If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) ((Ignition interlock device substituted for)) 24/7 sobriety program monitoring. In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) Penalty for having a minor passenger in vehicle. If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) Other items courts must consider while setting penalties. In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving

or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) Treatment and information school. An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) Driver's license privileges of the defendant. The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) Penalty for alcohol concentration less than 0.15. If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) Penalty for alcohol concentration at least 0.15. If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) Penalty for refusing to take test. If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or

denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) Probation of driving privilege. After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) Conditions of probation. (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720((3)). The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) Waiver of electronic home monitoring. A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service,

or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) Extraordinary medical placement. An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) Definitions. For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a

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conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means alcohol or drug treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 18. RCW 46.20.3101 and 2013 c 3 s 32 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to

or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 19. RCW 36.28A.390 and 2015 2nd sp.s. c 3 s 19 are each amended to read as follows:

(1) A general authority Washington peace officer, as defined in RCW 10.93.020, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program may immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.

(2) A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs pretrial or posttrial shall, at a minimum:

(a) Receive a written warning notice for a first violation;

(b) Serve ((the lesser of two days imprisonment or if posttrial, the entire remaining sentence imposed by the court)) a minimum of one day imprisonment for a second violation;

(c) Serve ((the lesser of five days imprisonment or if posttrial, the entire remaining sentence imposed by the court)) a minimum of three days imprisonment for a third violation;

(d) Serve ((the lesser of ten days imprisonment or if posttrial, the entire remaining sentence imposed by the court)) a minimum of five days imprisonment for a fourth violation; and

(e) Serve a minimum of seven days imprisonment for a fifth or subsequent violation ((pretrial, the participant shall abide by the order of the court. For posttrial participants, the participant shall serve the entire remaining sentence imposed by the court)).

(3) The court may remove a participant from the 24/7 sobriety program at any time for noncompliance with the terms of participation. If a participant is removed from the 24/7 sobriety program, the court shall send written notice to the department of licensing within five business days.

NEW SECTION. Sec. 20. RCW 36.28A.310 (24/7 sobriety program pilot project) and 2013 2nd sp.s. c 35 s 24 are each repealed.

NEW SECTION. Sec. 21. Section 15 of this act takes effect January 1, 2019."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 36.28A.320, 46.01.260, 46.64.025, 46.20.291, 46.20.289, 9.94A.533, 46.61.506, 10.01.230, 10.05.140, 46.20.311, 46.20.385, 46.20.720, 46.20.308, 10.21.055, 46.61.5055, 46.20.3101, and

36.28A.390; reenacting and amending RCW 43.79A.040 and 10.31.100; repealing RCW 36.28A.310; and providing an effective date."

Senator Padden spoke in favor of 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 Transportation to Engrossed Substitute House Bill No. 2700 and the committee striking amendment was adopted by voice vote.

#### MOTION

On motion of Senator Padden, 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.

Senator Padden 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, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

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.

#### PERSONAL PRIVILEGE

Senator Mullet: "Thank you, Mr. President. I'm looking for Senator Benton, oh, he's back there. So, I don't know if everyone's aware, on Financial Institutions and Housing, we think Senator Benton may have set the record for the longest continuing years of service on that committee. We think its twenty years in the Senate, two years in the House, and we got a little gift for him from the Democrats on 'FiHi'. What I want to say, what I respect and admire about Senator Benton on that committee is, it's a tremendous amount of intellectual curiosity, because sometimes you see the reports in this committee and the staff briefing takes five minutes, the bill report is five pages long, and nobody knows what the hell the bill does. Senator Benton will continue to ask questions until he can figure out what the bill actually does and it's very nice to have him on the committee because you don't have to be the one asking those questions. So that for me, is what he's always brought to that committee the four years I've been on it. And I will say that intellectual curiosity carries over off the dais because my office upstairs, we actually have the best coffee in the capitol and there's a lot of

people in the chamber who will fly by and grab their cup of coffee and Senator Benton brings that same intellectual curiosity when he talks to my staff when he comes by for his coffee. He's very open, very chatty, and asks a lot of questions about what's going on in their life and he tells his stories. I don't know if he views this as a compliment or not, but they call him 'Uncle Benton,' 'Uncle Don,' because he's like that uncle you have growing up who just comes by your house randomly and tells funny stories. But I've always found that very refreshing that he takes a lot of time to talk to the people in my office the four years I've been down here. And I'll say the final thing that I've appreciated that's separate from a lot of this, the first year I was here, we were at a thing, in one of the alleys south of here, it was a barbeque in the evening and we all have professional lives outside of the senate. His is in marketing. So I told him, I own a pizza restaurant, I need advice on how to market for my restaurant, because I had a lot of anxiety about all the restaurants that were opening up in Issaquah, and he gave me good advice. He said, don't worry about all these restaurants opening up, because when you as a family go out, you're not picking between forty restaurants, basically your brain bandwidth can only pick between the amount of restaurants you can count on one hand. He said as long as you keep your pizza restaurant as one of those fingers on their hand, it doesn't matter how many restaurants open in Issaquah, you'll do just fine. I actually got back from that session of my first year here, relayed that message to my staff, and our pizza sales are up twenty-five percent these last three years. So I will promise Senator Benton in his retirement, a free pizza if he's ever in Issaquah because he helped me out. So thank you very much, I appreciate all your service."

#### PERSONAL PRIVILEGE

Senator Schoesler: "Well thank you, Mr. President. As we're all aware, Senator Benton is leaving. I would suggest to Senator Benton though, the chocolates may contain Ex-Lax. They may have one last surprise for you before you leave us. But, in all honesty, I have known Senator Benton since he was a very strong, ambitious, conservative, elected to the House in 1994 and Don has brought with him, a very strong and passionate support of property rights. He's brought forward leadership on limiting property taxes. I think those are key issues Don has worked closely with the House and the Senate on. I think the Chelsea Harrison Act, many, many years of hard work to bring that into law for crime victims over the years. Don has also never forgot about the unborn and the fragile in our state or our veterans. Watching Don speak on veteran's issues stirs emotion in his heart for having known so many veterans in his family and his community, many of whom didn't come back to us and Don was always there for them in their time, in district or on the floor with those issues. And I think championing the obvious tax issues, the property rights, the unborn, the medically fragile, and of course veterans, that I've seen him become so emotional over, is an impressive stamp on Don Benton's career."

#### PERSONAL PRIVILEGE

Senator Hobbs: "You know, some people might be surprised I'm standing up and I'm going to say some nice things about Don Benton, because some of you on Transportation have witnessed the stabbing of Steve Hobbs by Don Benton. But the great thing about Don Benton is he stabs you from the front. As you know, some of you stab from behind, but the good thing about Don is for as many times I've been stabbed, not that often, he's there to give you a big hug, he's there to work with you, and we've worked close together. Some people are saying, 'Wow, I can't



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believe you just took that' but I was laughing the whole time because I was saying classic Don, classic Don. But I've got to tell you, we've worked great together, and you represent your caucus well and you balance things out. I'll tell you if it wasn't for Don Benton working together on the Foreclosure Fairness Act, I don't think we would have gotten it out. And he brought votes along for that, and not only that but when it comes to the homelessness and the voucher bill that we had out, that we had to push out twice, Don Benton was there and he helped negotiate that with me and the stakeholders, and we had some good policies out there. I'm going to miss you, I'm going to miss the good conversations we've had. I don't know why you have to be this close, it's kind of a Ross Hunter thing. I don't get it, but at least you have good breath, you never had bad breath, but I don't understand. You can actually stand this far away and I can hear you. I won't miss the stabbings by the way, but I will miss the good conversations and the good work that you and I did together for the people of this state. I wish you well on your retirement, thank you."

## PERSONAL PRIVILEGE

Senator Dansel: "Thank you, Mr. President. Well, Don Benton, we call him 'Diamond D,' or the other day, I called him 'The Donald' and he was standing next to Mark Schoesler, and I called him 'The Donald' and 'Little Marko.' I did, but it was my first year here and I didn't understand why we were doing something and I was really, really upset that a bill had come out. I think it was my first year here or last year, I can't remember. But I was in the lobby over here really just going crazy and saying 'I can't believe they are doing this.' 'This is ridiculous.' 'How come we can't get one of my bills?' Mike Hewitt would it call it whining I think, is what I was doing. And there's Don Benton and we kind of, it was getting close to the roll call so we were making our way over to the side here and there's Don Benton, and he's every step of the way encouraging me, going 'I know, I tell you what it is, it's highway robbery.' 'I just can't believe they are doing this to you.' And so anyway, Benton comes before Dansel in alphabetical order, so literally I'm sitting there going this is amazing I can't believe it, and he's egging me on going 'Yeah, this is the most horrible thing,' and then this guy here goes 'Benton,' and he goes 'Aye.' I just couldn't believe my ears. I go, 'Don, what are you doing?' And he says, 'I know it's not good for you but I have to vote for it because it's got something for something in my district' and I think I'll remember that always. He was really, really against it until he voted for it. And that's 'Diamond D.' But more than anything I will say this, nobody ever wondered where Don stood on an issue, in the caucus or outside of, and that includes his constituents, and he always had a way of making people know with no uncertain terms if you were doing something that wasn't necessarily right. And he got on me a couple of times and said, 'Why are you voting for this?' And he explained it to me in a way that I could understand it better. And also the final thing I'll say is that he was actually the first one who introduced himself to me after I got elected and I thought that was kind of a cool thing. I had never met this guy before, but then again Senator Hobbs is right, I mean he introduced himself like right there, and I'm like alright, here we go. But, we're going to miss you and I thank you for your many years of service Diamond D Don Benton."

## PERSONAL PRIVILEGE

Senator Liias: "Thank you, Mr. President. I've appreciated the opportunity to trade parliamentary jabs with the good senator.

I will say I think the best interaction we had, and it was during this session, I won't reveal exactly when, but I raised a Point of Order to one of his motions and he came up to me a few days later and said, I was in a discussion and people were criticizing me for the Point of Order that was sustained, and he said, 'Don't criticize him, because if I were in the minority, that's exactly what I would have done too.' So I think if you live by the rules, you die by the rules, and he plays fairly, and I'm going to miss that rigorous analysis of our work and holding us honest for the rules we've set for ourselves. We wish Senator Benton well."

## PERSONAL PRIVILEGE

Senator Hargrove: "Thank you, Mr. President. Well when Don got here, I'd already been here for several decades. But you know, I've worked with him on a lot of sex offender issues, and back in the nineties when we were working with Jeanine Long and Val Stevens on the committee work, and you know Don didn't always start out with the most reasonable ideas. I remember a bill that required all sex offenders to be castrated. But he was the necessary goad that pushed us along, and I really think we have some of the best sex offender policy in the nation, and a lot of that was because Don was there to kind of pushing and goading and pushing, and we ended up actually doing things. And probably doing things in a way that protected the public way better than if we didn't have that person goading and pushing. So that's on a policy side. I can just imagine Don Benton introducing himself to Senator Dansel. If they were this close, their stomachs would have been touching. That's quite a sight. I keep my distance. The other thing is someone said you don't need to get that close because you can be this far away and hear Don Benton. Well, when Don Benton speaks on the floor, you can hear him in Lacey and Tumwater. He definitely makes himself heard, he feels very strongly about, as was mentioned, veterans, the property tax burden on people, property rights, and I particularly appreciate the work we did together on sex offender issues. So thank you Don. We're going to miss you."

## PERSONAL PRIVILEGE

Senator Baumgartner: "I just wanted to say some nice things about Don, but I'll start by saying this, Don Benton is the first person, the only person I've ever known, who could show up for a meeting an hour late, and as soon as he gets there, be ticked off at everybody else in the meeting who doesn't know what's going on. I mean it's just amazing. But Don is absolutely one of my favorite people in the legislature, you've always been one of the people I've learned from the most. I try to learn from everybody out here and I truly have. But Don, the things I've learned from Don, are just a core conviction, and a big heart for his principles, and he really does have one of the biggest hearts out here, and he really does serve the people with a big heart and I truly appreciate that. Another issue I've learned a lot about is parliamentary procedure, and what do we do here with the chess piece and how to move, and Mr. President, one of the things you said when we first got here was hey learn the rules, not a lot of senators learn the rules and try to use the rules, and I appreciate that Don tries to use the rules to advance his policy ideas and I think it's very noble. I just, I really appreciate the rhetorical flair and the speaking ability of Don Benton and the intensity and the endurance with which he carries it out. Actually, I jokingly tell my father who watches TVW quite regularly, that if I was a genie and could grant a wish, I would send Don Benton to the big senate, just for a day, so he could filibuster, because I imagine this guy could lay it out there with pageantry and with intensity and

probably turn D.C. upside down with your abilities to do that. And I'll just say, in closing, that you know when we got to the legislature we were in the minority, and when you're in the minority it's challenging and Don Benton doing that move to the ninth order when we came out of that caucus room and wondering can we stick together, how's this going to work and that unknowing and that little chance to see if we could govern with some of our principles was my single favorite moment in the legislature and I will for the rest of my days when I think about politics, think about Don Benton moving to the ninth order and putting us Republicans in the driver's seat out here. And I really appreciate that you did that Don, thank you so much."

PERSONAL PRIVILEGE

Senator Keiser: "Thank you, Mr. President. Well, Don on the floor and the little red book is a classic. I'll always remember Don lecturing us about the Constitution and telling us about the rules, and absolutely being certain that you're right, and we're wrong. But my oh my are you a student and a scholar of this little red book. And I have to give you kudos for your use of the procedures and the rules and our Constitution. But I also want to give you thanks because you do have a big heart Don, and we've worked together on a lot of things, and we've made some good stuff and I always will be thankful for your vote, you and Senator Bob Oke, helping me with the paid family leave."

PERSONAL PRIVILEGE

Senator Fain: "I appreciated Senator Hobbs' comments about Senator Benton stabbing from the front. I am probably one of the members on this floor who has been the recipient of most of Senator Benton's stabs, whether it be out here, in committee, in caucus, so many hours of my life have been drained away fighting this man. But what is most remarkable about that experience is that we will be fighting to a degree. Senator Litzow I think can remember a moment from our first year when there was a particularly heated moment and there were some words that were exchanged that will certainly not be repeated on the floor. But the ability for Senator Benton to just turn on a dime, where you're discussing one issue with one set of impacts and one set of constituencies, and one set of passion that he has and then, and you're yelling, and you're nose to nose, as he is with every conversation, and all of a sudden you need to talk about something else where you two are aligned. And it goes from this rabid dog to the most helpful person in the universe, and I think that is what most characterizes my relationship with Don Benton over these past few years, is that you could fight, and fight, and fight, and then we'd have something that we'd need to accomplish together and we'd say okay we're not fighting about this right now, so let's go and join forces and we'll get this thing done and then we'll go back to fighting a little bit later on. I think that's remarkable. I would certainly prefer that we lower the volume and increase the distance a little bit, but I think it's remarkable. I think it is a testament to how this chamber is supposed to operate. That you deal with an issue that is in front of you with passion and with vigor and then when you move yourself to the next issue. You are able to divorce yourself from that previous acrimony and move on to that next thing. And Don Benton is one of the best at epitomizing that. I will also say that, you know it's funny, am I going to miss Don Benton? I don't know the answer to that question yet. But I bet you sometime next year, when I've lost my foil and I'm looking for someone to blame for something, and you are not here, I am going to miss you a ton. The other thing that I'm going to miss more than anything is you Mr. President, and one of the favorite things you have said throughout these

very, very many years. And that of course is, 'Senator Benton's point is not well taken'."

PERSONAL PRIVILEGE

Senator Angel: "Well I want to talk about Senator Benton, too. Dog gone it, I sit next to him in the caucus room, and my apologies to Senator Parlette, because I scoot over as much as I could because when it's lunch time, this man needs space on that table. Watching him though, sitting as his Vice Chair on Financial Institutions, it's been a real learning experience. And as the ranking member knows there are times we've got something coming up, and Senator Benton opens that meeting with his rules of protocol, and then he says I've got to take a phone call and he hands me the gavel. And then we're trying to figure out some of those tough bills, but I'll tell you what, he comes back and he asks those tough questions and it's been a pleasure to watch him work and I envy, I envy, the parliamentary knowledge you have, and the institutional knowledge you have, in being here all these years. And I'm going to do better at reading that red book, so you will truly be missed and God bless you."

PERSONAL PRIVILEGE

Senator Billig: "Thank you, Mr. President. Well, I too wanted to say a couple of words about Senator Benton because I will miss him when he's gone. My first introduction with Senator Benton was when I was a freshman in the House and I'd only been here for a few weeks and Senator Benton had this bill, it had to do with the WIAA if you remember that bill, and it was a bill that was very important for his district. And it came over to the House and it hit a little bit of roadblock in the House, and he was going to talk to the Speaker. And the Speaker decided that this would be a good bill to farm out to the newest member of the House Democratic Caucus. So he said, 'Senator Benton you need to go talk to Representative Billig. He's now in charge of this bill.' So that was my introduction to the tenacity that is Don Benton. And I learned so much in my first year as a legislator about how to pursue a policy that is important to your district. And we worked together on that bill and the policy was not that significant, but the lesson very much was. I also, because our offices are on the same floor, there have been times when Senator Benton has had to come into my office to talk with me, and my staff refers to him as the Benton Tornado, and he just comes in, makes a beeline, walks right by the staff and he is one of our favorites in the office because of the way he treats the staff. But with all that tenacity, with that headwind and the swiftness that he moves, and sometimes even a little bit of gruffness. Earlier this session I saw another side of Senator Benton. My son, Sam, who was one, he was here and was running up and down the hallway, all around the legislature, and we got lots of nice comments and smiles, but Senator Benton was the only one that got down to his level, out in the hall by our offices, he got down to one knee, was sitting there playing with him, genuinely playing with him. Made Sam's day, made my day, hopefully was a good impact on his day as well. Thank you Don, and we'll miss you."

PERSONAL PRIVILEGE

Senator Ericksen: "Thank you, Mr. President. You know, here in Olympia we have characters of the game. And I say that in all the best ways, there are just characters here that are almost larger than life in terms of how they impact the institution. I just have one quick story I want to share. A few years ago we were sitting over on that side and Don, I think, was preparing to run for

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a different office, and there was a television camera there from one of the television stations. And Don was giving a very fiery speech, speaking directly into the camera, hitting all of his talking points, making a great speech, and I'm standing next to the reporter, and the reporter says to me, 'Should we tell Don that the camera's not on?' And I said, 'No, no forget it. He's rolling.' It was great, but there were just, for many years, people will talk about Don Benton. There will be a big hole left in the institution, whether you get along with him every day or not get along with him every day. It is just really the thing that makes the institution such a special place. And I say character of the game in the best way, because he provides different aspects to it that many of us can't bring to it. It's not just the showmanship, it's not just the bluster on the floor speeches, it's the knowledge of the institution, it's the depth of understanding, it's a great understanding of politics, it's just the straightforward, wonderful conversation that I will truly miss. But you can be guaranteed that we'll be talking here, the people that are here in four years, 'Remember when Don Benton did that? Remember Don Benton?' And you will definitely be missed and you are bigger than the institution and you are a great part of it, and no one has stood up more for the pillars of the institution than Don Benton."

## PERSONAL PRIVILEGE

Senator McAuliffe: "Thank you, Mr. President. Well, I have worked with Senator Benton for a very, very long time and it's always been a privilege. And one of the things that he does that I admire, is when he comes to your desk to talk to you, he has the most gentle voice. And it's very inspiring when he starts to talk about things he really cares about, and that he's passionate about. So one of the things he cared about at one point in our journey together was fairness in food. So when the capitol was under construction after the earthquake, they were going to shut down our senate dining room. And Senator Benton had a letter that said he wanted to keep Jean- Pierre, our chef in the dining room, open. So we all signed the letter. Oh not all of us? I thought he got us all. I guess not. But, at any rate, I was out doorbelling the very next interim period and I heard a man yell through the door, 'I'm not voting for her, she has a French chef!' So thank you, Senator Benton."

## PERSONAL PRIVILEGE

Senator Honeyford: "Don and I both came in in 1994 in the big landslide when we had sixty-one members I believe that first year, and I've been serving with him ever since. You went to the senate before I did, but I was just going to mention the French chef as something I'll always remember, and your letter that I did not sign. But I believe we are the last two from that class of '94 and so with your leaving that makes me the last man standing and I expect the appropriate bottle to be delivered to my office."

## PERSONAL PRIVILEGE

Senator Hasegawa: "Thank you, Mr. President. So my predecessor, Margarita Prentice, showed me a picture some time ago, and she was really proud of this picture and it was a picture you know of her, she stands about this tall, with her finger pointing up like this at Senator Benton. She used it as a teaching moment to say you know you can argue and disagree but it's a fellowship, and you can get along and become friends and disagree agreeably. You need to get to know Senator Benton because he really is an honest person, straightforward, somebody that you can work with to try and solve problems. So that was

the best bit of advice that she gave me was in reaching out to Senator Benton. We've actually been able to work to solve a lot of problems, you know he's not just adversarial. If there's a way to find a solution he wants to work to figure out what the solution is. So he's been a cosigner on many amendments on the link deposit bill and this parking mitigation thing and I just want to say that. Oh, there's one other thing that you may not know about Senator Benton because we are a kindred spirit in a certain sense. He's a former Teamster organizer, so we would go out and share some old war stories from back in the day, most of which I probably should not mention on the floor unless the statute of limitations has passed. But we would have great conversations over big meals, another thing that we are kindred spirits in, so I just want to say Don I am going to miss you and it has really been a privilege to get to know you better and work with you in the past."

## PERSONAL PRIVILEGE

Senator Roach: "Well, I wanted to say a few words about Don Benton. He's been a very good friend of mine for a number of years, I actually preceded him in being here. The first recollection I have of him, is he had this bill over in the House dealing with a World War II memorial and I didn't know this guy over in the House. I'd been in the Senate for a couple of years, and dog gone it, I had the same bill over here in the Senate. All I can say is he worked his bill harder. It's his bill and he reminds me constantly that that is his memorial in terms of getting something done. But I think that should have been the inkling that this guy has not only a lot of passion, but is an extremely hard worker, an extremely hard worker. There have been so many things that have been said today, but I'll give you a couple because I've known Don for so long. We share a lot of the same political views absolutely. We're both passionate about things. We like to do things that are right, and Don is motivated by doing what he thinks is right and what he thinks is right is a very high standard, and I really appreciate that. He's certainly come to my defense many times. You don't have to worry Senator Fain, when you miss a foil, I'll still be here. You've been working on it for a number of years. So the only difference is, I have an honest man here that will stand up and state things the way they are, and I really appreciate that. So one time Don says to me, 'You know, I've got this restaurant down in Vancouver called the Chard House', and I said, 'The Chard House?' I've never heard of the thing. I'd never heard of it in my life but apparently they had. They were running this deal that was kind of like a contest, like a prize you got, if you went to every one of the Chard House restaurants, they would give you two, a trip around the world, you could stop wherever you wanted, it was a round the world trip. So Benton's telling me about this, and he says, 'You've got to go to sixty-five restaurants.' Sixty-five restaurants! So this man had a business where he'd do the marketing, he'd go all over the country, and he'd stop off and go to these Chard House restaurants. One time I think he and his wife, I'm not sure, but they were down in the Caribbean, he leaves Mary and gets on a plane and goes hopping around to St. Croix, going to St. Thomas, all to do one thing: Eat at a Chard House restaurant and get his little thing stamped I guess. So he went to sixty-five restaurants. I don't know how much that cost him, certainly much more than a trip, if he'd wanted to pay for it himself, around the world, and he took his daughter Mary or his daughter, excuse me, Jennifer. Just a wonderful young woman that Don has always been so proud of. He's a father, no one's mentioned that yet, wonderful times with his kids, and when you talk to him he's out riding on the quads and everything with his sons, taking them out and doing

the shooting, spending time with his family which is a lesson we all know and need to be reminded of it. And so I think he's, there's a lot of things I could say, he is a world traveler and he and I have a little contest going, which is who can go to the most countries. I know how many I've been to and I've told him, but he won't really tell me how many he's been to, so guess what? That tells me. I think I've been to more so that's what that means. That's what that means. We did take a wonderful trade mission with Senator Paull Shin. We went to South Korea, we went to China, we went to Thailand, on a wonderful trip meeting with local businesses, businesses that had an interest in the United States of America, meeting with leaders and hopefully doing a good job for America as we were ambassadors. I appreciate those kinds of things. Most of all, he's a friend, most of all, he's a friend and you can look around the room, I've done it many times, and who would you have Thanksgiving dinner with, you know? But I would have Thanksgiving dinner with Don Benton and it's because we are good friends, and I'm going to miss that. It'll force me, Don, to become better friends with others here. I think it will force me, I may even like Senator Braun you know? Over there, wants to take the whole labor movement and go down with it like that. I love you, you know. You were in the service and I appreciate that. What we need to do today I think is learn that a person with passion is bombastic. I've always said that, and what a boring life it is if you don't have passion. If you don't have beliefs strong enough inside of you, to get out there and preach those things and work those things and run your life that way, I feel sorry for you. Don Benton is a man that has those principles, has those beliefs, good friend, great husband, takes his wife flowers all the time. To think about that I think my husband picks them from the yard. Anyway, I'm going to miss you Don. It's going to cause a lot of us to be better people. Senator Dansel's going to be the parliamentarian. We're going to have people to try to fill this. It's going to be difficult, but we're going to rise up to the occasion of being Washington state senators and God bless you as you leave the state senate. We're your friends."

#### PERSONAL PRIVILEGE

Senator Bailey: "I wasn't going to say anything about Don, but I do have a couple of things to add to what has been said. First of all, I would like to know where to file my L&I claim for a loss of hearing, and I think I should be getting hazardous duty pay in addition to that because of my proximity to both Senator Benton and Senator Roach. I do have a little loss of hearing, I know, on this side. But I will tell you this, if there's one person in this body, that I would trust explicitly to know what needs to be done, knows the rules, the go-to person, has always been, for me, Don Benton. I asked him when I found out that he was leaving, if he could do a brain dump, and let me know all the things that he knows about the little red book. But I can tell you he studies it all the time, and he is constantly looking to make sure we follow the rules. I've never seen anybody work harder, as exemplified by the number of bills that he turns through this organization. He has always been one that I would seek advice from, and I really have appreciated him. We knew each other before the legislature, before I actually got involved in the legislature, because we shared some commonality in our work outside of the legislature. Probably most people don't know that, but Don and I do. So with that I really want to wish him well, and I know he's going to be successful at his other endeavors. Thank you."

#### PERSONAL PRIVILEGE

Senator Chase: "Thank you, Mr. President. It is with

pleasure that I rise to honor my friend, my conservative friend, from the Seventeenth, and a lot of people say, 'How can a progressive from the thirty-second be such close friends with a conservative from the seventeenth?' Well it's easy, we actually share a lot of the same values. I'm going to miss you so. But even though we share some of the same values, sometimes we take different roadways, different pathways to get there, but he does, it seems to me, exemplify the golden rule, as a way to conduct his life. But I want to tell you, a lot of people don't realize he's an environmentalist, you know? He really is. He just showed a lot of people down in Clark County just what kind of environmentalist he is. He's also a great manager, saved them a lot of money, you know, so we can be very proud about that. One of the things that I muse on, is that it was suggested that four of us could take over the senate and become a great swing caucus. You know we could do that. It would be kind of interesting but we wouldn't do that because there are rules, and Don being the maven of the rule book, the little red book. I've got my little red book to wave it around at you, Don, just so you know I have learned that we do follow the rules here. And I do so appreciate everything that you have done, I appreciate you, thank you."

#### REMARKS BY THE PRESIDENT

President Owen: "Well Senator Benton you are proof positive that perception is far greater than reality. They really believe you know the rules."

#### INTRODUCTION OF GUESTS

The President welcomed and introduced Mrs. Mary Benton, Senator Benton's wife; Ms. Jennifer Benton, Senator Benton's daughter; Mr. Jim Johnson, Ms. Karen Clanton and Mr. Nick Cimmityoti, Senator Benton's friends; and Mr. Daniel Bittner, Senator Benton's longtime legislative aide, who were seated in the gallery.

#### MOTION

At 12:43 p.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 12:46 p.m. by the President Pro Tempore, Senator Roach presiding.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

#### MOTION

Senator Dammeier moved adoption of the following resolution:

#### SENATE RESOLUTION

8735

By Senators Dammeier, Becker, O'Ban, Conway, Darneille, and Keiser

WHEREAS, Bob Neilson was a beloved resident of Puyallup since 1977, using every opportunity to connect with his neighbors next door, in the surrounding communities, and across the county; and

WHEREAS, Mr. Neilson was blessed with a wonderful

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marriage to his wife, Hope, who stood by him through his service around the world and all of his efforts reaching out to his community; despite countless hours spent away from home, both when he was wearing his Army uniform and when he coordinated support for local high school students, Hope was incredibly supportive of his service; and

WHEREAS, Mr. Neilson traveled the world in service to our country as an officer in the United States Army during a time when our country was deeply engaged in the Cold War; his leadership was invaluable and his sacrifice of service deeply appreciated; and

WHEREAS, Mr. Neilson had a strong and deep faith, and lived James 2:17 by showing his faith in action—he spearheaded his church's men's breakfast and was always reaching out to care for others in need; and

WHEREAS, Mr. Neilson actively reached out to our youth, investing in the next generation of community leaders and linking the students of Puyallup School District with the world around them by bringing a variety of speakers into schools to share their experiences; additionally, he connected students with the community through a variety of service opportunities, promoting the importance of civic responsibility; and

WHEREAS, Mr. Neilson believed passionately in civic engagement and our responsibility as citizens for our government: He actively participated in local grassroots politics, including visiting more than 30,000 homes on behalf of candidates who reflected his priorities and vision for our state and country, and loved talking with folks on their doorsteps about the important issues facing our society; and

WHEREAS, Mr. Neilson made a lasting impact on all who met him, especially in the community of Puyallup; he leaves a tremendous void that cannot be filled, representing the best that we can hope for as a servant leader and serving as a great reminder that we are blessed to have committed citizens such as Bob within our communities;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and cherish the life of Bob Neilson.

Senator Dammeier 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. 8735.

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

MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 9, 2016

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5029,
- SENATE BILL NO. 5143,
- SENATE BILL NO. 5270,
- SUBSTITUTE SENATE BILL NO. 5597,
- SENATE BILL NO. 5605,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5635,
- SUBSTITUTE SENATE BILL NO. 5670,

- SUBSTITUTE SENATE BILL NO. 5728,
  - SENATE BILL NO. 5879,
  - SUBSTITUTE SENATE BILL NO. 6117,
  - SUBSTITUTE SENATE BILL NO. 6120,
  - SENATE BILL NO. 6156,
  - SUBSTITUTE SENATE BILL NO. 6165,
  - ENGROSSED SENATE BILL NO. 6166,
  - SENATE BILL NO. 6171,
  - SUBSTITUTE SENATE BILL NO. 6179,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 6203,
  - ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6242,
  - SENATE BILL NO. 6245,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 6248,
  - SUBSTITUTE SENATE BILL NO. 6283,
  - SUBSTITUTE SENATE BILL NO. 6314,
  - SENATE BILL NO. 6325,
  - SUBSTITUTE SENATE BILL NO. 6338,
  - SUBSTITUTE SENATE BILL NO. 6358,
  - SENATE BILL NO. 6400,
  - SENATE BILL NO. 6405,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
  - SUBSTITUTE SENATE BILL NO. 6430,
  - SUBSTITUTE SENATE BILL NO. 6445,
  - SUBSTITUTE SENATE BILL NO. 6449,
  - SENATE BILL NO. 6459,
  - SENATE BILL NO. 6475,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
  - SUBSTITUTE SENATE BILL NO. 6536,
  - SUBSTITUTE SENATE BILL NO. 6558,
  - ENGROSSED SENATE BILL NO. 6589,
  - ENGROSSED SUBSTITUTE SENATE BILL NO. 6605,
  - SENATE BILL NO. 6607,
  - SENATE BILL NO. 6614,
  - SENATE JOINT MEMORIAL NO. 8019,
  - SENATE JOINT RESOLUTION NO. 8210,
- and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

Senator Fain announced a meeting of the Majority Coalition Caucus immediately upon going at ease.

Senator Fraser announced a meeting of the Democratic Caucus immediately upon going at ease.

MOTION

At 12:52 p.m., on motion of Senator Fain, and without objection, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 4:16 p.m. by the President of the Senate, Lt. Governor Owen presiding.

MESSAGE FROM THE HOUSE

March 9, 2016

MR. PRESIDENT:

The Speaker has signed:

- ENGROSSED HOUSE BILL NO. 1003,
- SECOND SUBSTITUTE HOUSE BILL NO. 1408,
- SECOND SUBSTITUTE HOUSE BILL NO. 1448,
- ENGROSSED HOUSE BILL NO. 1918,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2061,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,  
 HOUSE BILL NO. 2326,  
 HOUSE BILL NO. 2356,  
 SUBSTITUTE HOUSE BILL NO. 2359,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2375,  
 HOUSE BILL NO. 2391,  
 HOUSE BILL NO. 2394,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458,  
 ENGROSSED HOUSE BILL NO. 2478,  
 SUBSTITUTE HOUSE BILL NO. 2580,  
 HOUSE BILL NO. 2694,  
 ENGROSSED HOUSE BILL NO. 2749,  
 HOUSE BILL NO. 2771,  
 HOUSE BILL NO. 2808,  
 HOUSE BILL NO. 2842,  
 HOUSE BILL NO. 2856,  
 SUBSTITUTE HOUSE BILL NO. 2876,  
 ENGROSSED HOUSE BILL NO. 2883,  
 HOUSE BILL NO. 2918,  
 SUBSTITUTE HOUSE BILL NO. 2938,  
 ENGROSSED HOUSE BILL NO. 2971,

and the same are herewith transmitted.

BERNARD DEAN, Deputy Chief Clerk

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the fifth order of business.

#### INTRODUCTION AND FIRST READING

SB 6676 by Senators Dansel, Hewitt, Ericksen and Honeyford  
 AN ACT Relating to state agencies; and amending RCW 42.17A.635.

Referred to Committee on Government Operations & Security.

SB 6677 by Senator Miloscia  
 AN ACT Relating to jail registry information; and amending RCW 70.48.100.

Referred to Committee on Commerce & Labor.

#### FIRST READING OF HOUSE BILLS

E2SHB 2667 by House Committee on Capital Budget  
 (originally sponsored by Representatives Farrell, Holy, Pollet, Shea, Nealey, Walsh, Scott, Kagi, Senn, Johnson and Short)  
 AN ACT Relating to concerning administrative processes of the state parks and recreation commission that require a majority vote of the commission; amending RCW 79A.05.025, 79A.05.175, 79A.05.178, and 79A.05.085; and reenacting and amending RCW 79A.05.030.

BOOST.

#### MOTION

On motion of Senator Fain, and without objection, all

measures listed on the Introduction and First Reading report were referred to the committees as designated, with the exception of Engrossed Second Substitute House Bill No. 2667 which was placed on the second reading calendar.

#### 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:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5109,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5435,  
 SENATE BILL NO. 5689,  
 SUBSTITUTE SENATE BILL NO. 5778,  
 FIFTH ENGROSSED SUBSTITUTE SENATE BILL NO. 5857,  
 ENGROSSED SENATE BILL NO. 6091,  
 ENGROSSED SENATE BILL NO. 6100,  
 SUBSTITUTE SENATE BILL NO. 6160,  
 SUBSTITUTE SENATE BILL NO. 6211,  
 SUBSTITUTE SENATE BILL NO. 6227,  
 SUBSTITUTE SENATE BILL NO. 6238,  
 SUBSTITUTE SENATE BILL NO. 6261,  
 SUBSTITUTE SENATE BILL NO. 6264,  
 SUBSTITUTE SENATE BILL NO. 6273,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6293,  
 SUBSTITUTE SENATE BILL NO. 6329,  
 SUBSTITUTE SENATE BILL NO. 6337,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6534,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6564,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6601,  
 ENGROSSED SENATE BILL NO. 6620.

#### MOTION

On motion of Senator Fain, and without objection, the Senate advanced to the eighth order of business.

#### MOTION

Senator Hill moved adoption of the following resolution:

#### SENATE RESOLUTION 8736

By Senators Hill, Braun, Hewitt, Hargrove, Conway, Fraser, Hobbs, and Dammeier

WHEREAS, It has been the tradition of the Washington State Senate to honor significant and important contributions made by employees; and

WHEREAS, Steve Jones began his illustrious and lengthy career with the Washington State Legislature in 1976 when he started with the Code Reviser's Office; and

WHEREAS, One of the very first pieces of legislation Steve worked on as a member of the Code Reviser's staff was the bill to close the PERS 1 pension system, and despite repeated investigations there is no evidence that he conspired to set the termination date for PERS 1 after his initial date of employment

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with the state of Washington; and

WHEREAS, Having secured a plan 1 retirement Steve turned his attention to the state budgets and retained his grip on the state's omnibus operating appropriations act for 37 years; and

WHEREAS, In addition to being recognized as one of the most knowledgeable and accomplished institutional historians of the Senate, Steve also happily serves as a conduit of the latest juicy gossip traveling through the marbled halls of the state capitol; and

WHEREAS, Steve from his days as an undergraduate student at Occidental College has a surprising and almost obsessive knowledge of Original Tommy's chilburgers in Los Angeles as well as the collected works of avant garde jazz composer and bandleader Don Ellis; and

WHEREAS, Steve has remained on the cutting edge of fashion by wearing a bow tie more than any Senate staffer (including the late Sid Snyder) since the 1940's; and

WHEREAS, Steve for four decades has mastered the rare art of telling lawmakers in the most polite and humorous way possible "Yes, Senator, that is an excellent and innovative idea apart from the slight problem that it is blatantly unconstitutional"; and

WHEREAS, Steve owns the distinction of the shortest kayaking trip to Glacier Bay in Alaska where on just the second day a grizzly bear destroyed their campsite and even the illegal firearm his friend illegally brought into the National Park was not able to distract the bear from ransacking their supplies; and

WHEREAS, Steve is an avid cyclist and regular spectator at the annual Tour de France and was able to finance college educations for both of his children by smuggling cycling memorabilia and souvenirs out of the country and reselling the items on Ebay; and

WHEREAS, Despite being an accomplished hiker and mountain climber as well as a friend of famed mountaineer Fred Beckey, Steve managed to become lost on a backpacking and climbing trip in the North Cascades, spending the night in a creek bed and worrying family and friends until he was rescued somewhere near Stehekin on the north end of Lake Chelan; and

WHEREAS, Over his career Steve has worked with the following Ways and Means Chairs -- Senators McDonald, Rinehart, West, Loveland, Brown, Rossi, Zarelli, Prentice, Murray, and Hill; any of whom could truly serve as the answer to the Sesame Street song "One of these things is not like the others"; and

WHEREAS, During his 28 years working for the Washington State Senate, Steve is recognized as one of the highest respected legal minds, helping countless Senators achieve their public policy goals; and

WHEREAS, The many, many friends he has made during these years in public service will miss him mightily as he is often referred to as the "glue which holds the Senate together," but wish him all the best on his well-deserved retirement;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate give Steve a heartfelt thanks for his years of service and wish him and Kris many days of travel, family, and friends; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Steve Jones.

Senators Hill, Padden, Fraser, Hewitt, Conway, Braun, Hobbs, Hargrove and Parlette spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8736.

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

#### INTRODUCTION OF GUESTS

The President welcomed and introduced Mr. Steve Jones who was seated at the rostrum.

With permission of the Senate, business was suspended to allow Mr. Steve Jones to address the Senate.

#### REMARKS BY STEVE JONES

Steve Jones: "Thank you. Thank you all for your very, very kind words. I'm not sure I recognized the person that was being described and I'm not going to say very much because I'm going to get very emotional if I do. I arrived in this building forty years ago, a young man with a sunny disposition and a full head of hair and you all have become my friends and my family and I can not imagine being luckier than finding this place and finding a niche that I think I fit into. So I'm very, very honored. It's been a fascinating forty years. Every year has been interesting issues and interesting people and I thank you all very, very much. I'm very touched by your very kind words. Thank you."

#### PERSONAL PRIVILEGE

Senator Rolfes: "Thank you, Mr. President. Well we don't have a resolution today to honor Senator Karen Fraser because she's running for higher office and that wouldn't be quite right, so we will honor her formally hopefully in January with a resolution honoring her great service to the people of the state of Washington. But as we were honoring Senator Benton and Steve Jones today, it also seems appropriate to pay a little bit of tribute to Karen Fraser who has been in the senate for, I want to say, twenty-two years? Twenty-four years! She was first elected in 1989 and she's been representing the Twenty-second District for twenty-seven years, including the House and the Senate. I know that some of my colleagues are going to want to say something about her as well, but something I would like to say, a couple of things I would like to say, first is, you cannot know a more gracious and kind person than Senator Fraser. And as we look around at colleagues and think about the traditional politician, Karen Fraser is not that person. Karen Fraser approaches everything that I've seen her do in the state Senate, with integrity, and kindness, and passion. And Karen didn't know this, but I sent my intern into her office earlier this session to interview her, to get some important facts and illicit from Karen what she thought was most important in her service to the people of her district. And what she said was her greatest achievement was serving the people of her district to the greatest of her ability for her entire career. She didn't talk about a building or a park or a certain piece of legislation, she talked about the people that she's worked for and, to me Mr. President that is one of the greatest illustrations of public service that we can have. The second thing I want to say about Karen Fraser, and then I'll let others speak, is that we know Karen as a great person and a great woman, what we don't all know about Karen is her athletic achievement. Nobody talks about this, we often don't know what each other do out of session. She's summited four of Washington's major peaks. She's hiked and backpacked throughout the Olympics and the Cascades, she's won numerous awards for racing her sailboat around Puget Sound, and she's completed the Capitol City Marathon twice. This is Senator Fraser. And then the last thing that I want to say, and Senator it's actually very personal, is that we served with you when you lost your husband. And he

was a wonderful man with his own incredible life experiences and you were always a great wife, and you continue to be a great mother and grandmother, and a great state senator. And it has been my honor to serve with you and to know you and I think people know that she's running for another office, but she's also retiring from this position which is why we wanted to honor her today as well."

PERSONAL PRIVILEGE

Senator Schoesler: "Thank you, Mr. President. Also speaking with the pending retirement from the Senate of Senator Fraser. Twenty-four years ago when she came to the Senate, I was a newbie in the House. One of the tasks I was assigned to was the Hyogo Friendship Committee with Senator Fraser and we met regularly. One of the things that led to was my daughter taking the trip there. So we go over to the Temple of Justice and there is a cedar tree from Japan that grows sort of odd. That tree was planted by the kids that Senator Fraser put together this program to go. It wouldn't fit hardly in this chamber now, but it was sort of a sickly thing when they planted it there with the kids over twenty years ago. Also, I have fun memories, I don't know if it's fun to Senator Fraser, but in the nineties she chaired the Environment Committee. They worked on a lot of water bills. And the three people that I would see going through those meetings in the wee hours of the morning as session wound down were Senator Fraser, former Representative Gary Chandler, and former Representative Kelli Linville. And I think that had to be one of the ultimate bonding experiences, trying to agree on water policy. They all served this state admirably and Senator Fraser's long record of public service in Thurston County speaks for itself."

PERSONAL PRIVILEGE

Senator Nelson: "Thank you, Mr. President. Well we know Senator Fraser has a strong background in natural resources, water, capital budget, she's had so many accomplishments in serving the Senate. But in our caucus, she's the heart of the caucus. She's the one that calms the waters. She's the one who thinks about the we not the me. She's the one who helps our caucus through tough times. In the last four years, she has served as our caucus chair. And Senator Fraser you know I will miss you, but you will be missed by all of us, because our heart will be leaving."

PERSONAL PRIVILEGE

Senator Hewitt: "Thank you, Mr. President. Actually this is a shock to me. For some reason I was thinking that you were in the next cycle and that if you didn't win your election you would be right back here again, so I'm a little bit shocked over this. But Senator I want to tell you that you have been probably been my best friend on that side of the aisle. We've shared committees together, spent a lot of time together. You've been to Walla Walla and attended the rodeo and it was kind of fun because I had to explain to her what happens in a rodeo, because you'd never been to a rodeo before. You have been a wonderful person to work with. I wasn't prepared for this, but I just want to tell you how much I admire you and how fun you were to work with on the budget together for a few years, and you've always been there for me as a friend and I'm just kind of shocked. Anyway, thank you Mr. President."

PERSONAL PRIVILEGE

Senator McCoy: "I haven't known Karen as long as some of you, since about '96 was when I first met her when I lobbied this place for Tulalip Tribes. And naturally what I talked to her about was water and so over the years we've talked a lot about water, done a lot of work on water. And we're on a regional committee together, and I chose not to make a trip this one time, but I get a call, it was about eight or nine o'clock at night, and it was Karen, and all she said was, 'John, I need your help. Get here fast.' And I said, 'Where are you?' She was in Bozeman, Montana, at the hotel, and I said, 'Okay I'll be there on the first plane.' All she had to do was ask. Got on a plane and went over and we took care of the issue that was coming to a head. But on other things, when we went on some national trips and she would always bring Tim with her and we would have dinner and that was a great conversation, Tim, Karen, and me. I'm going to miss her, it's just like in the TVW skit, she is Wonder Woman. Thank you."

PERSONAL PRIVILEGE

Senator Pearson: "Thank you, Mr. President. A number of years ago when Senator Warnick and I, we served in the other chamber with the negotiators on the capital budget, we had the privilege of working with Senator Fraser. And that was my first experience working with Senator Fraser, and I thought a very gracious person to work with and had very good ideas. This year I had the privilege, in our Natural Resources & Parks Committee, Senator Fraser came over to our committee and I was really impressed with the knowledge that she had about our state natural resources and I wanted to thank you. Just a wonderful member and, like Senator Hewitt, I didn't know you were going to be leaving or our last meeting we would have properly honored you in committee, but you are a person worth honoring and thank you."

PERSONAL PRIVILEGE

Senator Ranker: "Thank you, Mr. President. So when I came in as a freshman here eight years ago, I was vice chair and then chair of Natural Resources. Karen, Jake, and some others, Morton, Bob Morton, who was an incredible mentor. There was a group of folks on that committee that knew those issues inside and out, and had been working those issues for so long, and the lessons I learned, from you Karen, were incredible. Lessons that helped me be a better senator, and not just on those issues but on just dealing with the emotions and the craziness around here. A few years back, we were traveling together for a PNWER trip and something very tragic happened and I got to know another side of you. A very deep and personal side of you, and I will never forget. Senator Fraser and I ended up being in a situation where we began a walk at one a.m., out in the middle of nowhere, and finished that walk around three thirty in the morning. Through very dark streets, at one point we thought we saw a bear or something. It was remarkable, but the conversation we had that night I will never forget, just about life, who we are, and what matters, what really matters. And what matters, ladies and gentleman, is that we care about one another, that we treat each other with respect, and that's something I've learned from you time and time again, Karen. You're an incredibly gracious person and your service to this state has been remarkable."

PERSONAL PRIVILEGE

Senator Roach: "Thank you, Mr. President and members of the Senate. Well most of you don't know, I think Senator Fraser and I didn't know until a number of years ago, that we had been



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walking side by side. We've actually been walking side by side on different sides of the fence for a number of years. Senator Fraser and I were both part of a Women's History Consortium and so I know that we were both in Ellensburg for the IWY, the International Women's Year, I think that was 1977. The issues of the day, you had Phyllis Schafly on the right, you had Bella Abzug, you had Gloria Steinem on the left, the issues were really abortion rights or pro-life. That's where you were. You chose a side on that. Over here equal rights amendment or not, certainly you'd have to agree, someone like me at the time, I was not in favor of the equal rights amendment, but I do want equal rights, you can bet I would be fighting for that. We convened in the gymnasium in Ellensburg and had this IWY conference and delegates were elected, they went to Houston under Jimmy Carter's plan, the International Women's Year, and I went to Houston as a reporter actually, I wasn't a delegate. When we came back from Houston there was a state women's council that Dixie Ray had assembled. There was one conservative, her name was, it was pretty much liberal women, and there was a referendum filed to get rid of the women's council, and Dixie Lee Ray wanted to make it a commission actually, elevate it. So we had Referendum Forty in the state of Washington. I was part of that effort, and I think Senator Fraser was looking for a yes vote, to get rid of the council you needed to vote against. We worked to get it on the ballot and then to get a no vote. That's how the referendum worked. And surprisingly seventy-two percent of the people, including women, voted to get rid of the women's council and commission. Dixie Lee Ray had said on her radio, I was driving my car going to Seattle, said that this, regardless of the outcome of Referendum Forty, the State Women's Council will become a commission, and of course that didn't happen. These were interesting times. This is where two of your senators got their start, and the wonderful thing about this is even though we disagreed about some things, and we still do, even though we did that, we actually have kept the commitment. We haven't left the fight. We're here. I'm here to support the things I believe in. She's here to support the things she believes in, and God bless the differences, and God bless America that we can do that, you know. So I think it's one of these things that I just wanted to share with you, I don't share that history very long. I've been doing this since my early twenties, and I'm sure Senator Fraser's done the same thing and now as we begin to part we have enjoyed many, many years, a couple decades of serving together in the Washington State Senate and thank you for your friendship and for that time."

## PERSONAL PRIVILEGE

Senator Conway: "You know, I know one group that will really miss Senator Karen Fraser and that is the state employees of Thurston County. If there's been one group she has represented about as well as anyone could, it's been Senator Fraser and I saw that when I came on Ways & Means and I watched her in action. I see that every day when the state employees turn to one person on this floor to talk to about their issues, and it's always been Senator Fraser. I can't possibly tell you how important that has been and it will be very hard to replace her in that role. I knew Senator Fraser in the House because I was on the old Committee on Pension Policy, not the select committee that we call today, but the previous committee. And Karen is part of a generation, Helen Sommers and others. Jeanine Long, who really decided that we had to ensure that this pension system, this thing, would be solvent and work for its employees. Karen served on that committee when I first came on and you should know that she was with me on the hiring

committee. I see someone up in the audience who hired our great actuary Matt Smith. She was on that hiring committee with me when we made that decision and I think we all recognize how critically important it was to put the right person in charge of that pension system. So, Karen, I know you had a lot of experience in local government because when we served on state government today, she knew local government issues. Because prior to coming here, she was involved in local government here. I consider her Thurston County. If ever there is a person who represents this county in my mind, it's Senator Fraser and thank you Karen for all your service."

## PERSONAL PRIVILEGE

Senator Parlette: "Thank you, Mr. President. Well I have really enjoyed, as caucus chair, working with Senator Fraser. This is my tenth year in a row of being caucus chair, as most of you know, that's not really an easy job. My first four years I got to work with Senator Spanel, the next two years was Senator Ed Murray if you could believe it, and after he got done with that he said I hate this job. I don't even know how I got into it, so that was interesting. But Senator Fraser, she likes what she's doing, she's so good at that. Part of the job as caucus chair, you do the Facilities & Operations Committee, takes a little bit of extra time, but she's extremely easy to work with, always looking for the bright side on trying to find a solution. So, Karen I wish you well on whatever the next adventure is, and I have truly enjoyed working with you, thank you."

## PERSONAL PRIVILEGE

Senator Darneille: "Thank you, Mr. President. After just watching the TVW show about Batman, I was a little afraid right there, I'm rising to a point of personal privilege. Thank you Mr. President and members of the Senate. I stand today with a little bit of a heavy heart. I have come out of twelve years in the House, and during that time came to know Senator Fraser. She was one of my touchpoints, and is one of my touchpoints, as a fellow Episcopalian, we call ourselves the Frozen Chosen, but she's anything but that. She's so gracious and kind and open to sharing and sort of exalting all of your benefits, all of your points, that you can grow into as a member. I think all of us have learned from her about that gracious gift that she brings of trying to help us. I have often viewed her, that Episcopalian, she also represents that epicenter of our state government, and have just marveled at her over the years. I've watched her really be a force for state employees. And charging us with the task of really understanding all the sacrifices they make to make sure that state government moves efficiently and appropriately. And I want to just say that I have always admired her as a leader on women's rights. She has, while I was in the House, she's risen up on bills that I had, put together a Senate package as well, and so we worked together on women's health issues many, many times. And on violence against women issues, and on issues relating to improving the status of women in our state. She's just been so tireless in those ways and I think that women across our state really owe her a debt of gratitude for raising up issues about equity and fairness and equality and health and stopping violence. I think she's just a wealth of knowledge and her commitment to causes relating to children, causes relating to the poor, were always a real lesson for me. And I want to just end with one example of her gracious demeanor and her kindness, many of you may have known that I served on the Ways & Means Committee, and in fact as vice chair of the Ways & Means Committee in the House for many, many years, eight years total. And I came over

here pining, pining to be on the Ways & Means Committee before all of my institutional knowledge went away. So every year when there's been an opening on the committee I've tried to scramble for that opening. This year, Senator Fraser actually stepped aside from her long held position as a member of the Ways & Means Committee, to allow me the opportunity to serve. I've never seen anything like that in my first fifteen years here and I just thought that was an amazing gift and an amazing example of the many gifts she's given to people in this room and people in this body. Those that have come, those that have gone, they have always respected Karen Fraser. And I'm going to miss her a whole lot, thank you."

#### PERSONAL PRIVILEGE

Senator Jayapal: "Thank you, Mr. President. I came into this body as a newbie last year. I hadn't had any experience in the House. I had no idea what I was doing here. I still sometimes wonder exactly what I'm supposed to be doing, and I was assigned to Senator Fraser as my sort of mentor and guide as the caucus chair. And she has led me with tremendous grace and kindness and knowledge. Sat down with me right when I came in. I actually remember walking through. You showed me the chamber. You showed me the gallery. I looked here I looked at my desk, just filled with the awe and wonder that comes with being a member of this body in this chamber. And she told me she had seated me around people that had a lot of knowledge so that if I had any questions I had Jeanne Kohl-Welles on this side, I had David Frockt here, and I had Karen Keiser right here. And between the three of them they would show me exactly what needed to happen. But she also had several lunches with me and talked me through. Any time I had a question I was able to go to Senator Fraser. And of course because I was made ranking on Accountability & Reform and had never been a ranking member before, she was right there with me to guide me and it was amazing to watch her knowledge on that committee and now on Natural Resources where I'm proud to serve as the ranking member, to see the incredible amounts of knowledge you have Senator Fraser, on so many things around local government around Natural Resources, around Accountability & Reform. I think you give Senator Miloscia a real run for his money every time he brings up Baldrige. You are there to explain exactly why that is not the right way to go forward, and it's been such a pleasure to watch. I wanted to mention two things; one, that I was deeply grateful for Senator Fraser for referring me to the Japanese Consulate to go on a trip to Japan as one of ten Asian-Pacific Islander leaders from across the country, and that was really because of your advocacy of me. And the other is that my legislative assistant, Yasmin Christopher, who has a very deep, personal story of being trafficked herself with her family, and was at an event with you, I don't know if I've ever even had this conversation with you, and she came back after that event and she said, Senator Fraser is one of the most amazing women I've met. She sat and talked to me in the middle of this big room. We had this long conversation about trafficking and domestic violence and sexual assault and all the things that she has been working on. She said it was so wonderful that a senator of her rank and stature would take that kind of time with me. So Karen, I just want to say, from me personally, thank you for your qualities. I call them the three K's except one of them starts with a C but it sounds like a K - kindness, you have it in deep tremendous, bountiful amounts; knowledge, you have that in deep tremendous, bountiful amounts; and commitment, we'll pretend it's a K, deep commitment to the people of your district, to the people of the state of Washington, and to all of us who have the honor of serving with you in caucus. Thank you so much."

#### PERSONAL PRIVILEGE

Senator Sheldon: "Thank you, Mr. President. It's always sad when someone who has been here longer than you leaves, because there's that institutional knowledge and all the things that, we always go back to the people who have been here a little longer. Just the other day I asked who was that who represented that particular district at that particular time. But I first met Senator Fraser in 1990 when I was running for the House of Representatives, and the Thirty-fifth District had a small sliver at that time in Thurston County. So to run for office in Thurston County as a Democrat, the first requirement is, as a rookie, you have to work in the burger wagon at Lakefair. I did and I chopped onions all afternoon, and when I came home my wife said, 'What have you been doing? That doesn't smell real good.' One thing about the Senator, is I don't think I've ever seen her angry. You know we all get angry at this process, but I don't think Senator Fraser gets angry. She is so even tempered. I remember in the House, there were some people talked about the House days, there was a lot of strong women in the House when I first started. I think back about Maria Cantwell or Mary Margaret Haugen was a very strong, committed person, Jennifer Belcher, Harriet Spanel, Karen Fraser, but Karen brought as well a great knowledge of local government. She had been the mayor of Lacey, a Thurston County Commissioner for, I think, two terms, so that commitment to local government gave her so much knowledge here that she helped many of those small cities, not small anymore Lacey, but many of the small cities and counties to help the legislators help their problems. And I think that was a great gift and we'll miss that ability that you brought to do that. And also last thing to mention Mr. President, everyone knows how committed Senator Fraser is to the environment, but this is a very outdoors woman who spends a lot of time in my county, and probably yours too, hiking, enjoying the Olympics, out on the water. I spent a great afternoon with her, she and her husband one time, on a tugboat out in Budd Bay. But she has been up many of those peaks, and knows the Olympics very, very well. So we'll certainly miss you but I know you won't stop visiting those places and we appreciate you very, very much."

#### PERSONAL PRIVILEGE

Senator Liias: "I will just make a brief observation, Mr. President. Like Senator Jayapal, I'm new and haven't had the many, many years to get to know Senator Fraser that my colleagues have, but I've learned in this place, that the best way to judge the disposition and the work of any member in the legislature, is how they treat the people around them. And I think it is a testament to Senator Fraser that she has had the same Legislative Assistant for over twenty-seven years, and I think that is a testament to the kindness that she has and also to the amazing work that Brenda does for our caucus. So while our leader talked about losing the heart of the caucus, we're also losing the mom of the caucus in Brenda who takes care of us and who takes care of all our needs, not just Karen's needs, but all of our needs. And we will miss them both greatly and I think Brenda's dedication reminds us all how wonderful Karen is and what a wonderful person she has been for all these twenty-seven years, and we thank and appreciate both of you."

#### PERSONAL PRIVILEGE

Senator Hargrove: "Well, as far as Karen Fraser goes, you know, fair, sweet, gentle, blah, blah, blah, blah, everybody knows that stuff. But she is as tough as nails. In 2013 when we

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did a bipartisan budget slash back and forth. Maybe. Maybe not. I think the governor had her down three times to try to get her to not vote for the budget that we had worked on, and she didn't break. She knew that we had demanded that the CBA's be funded. They were funded. She was very strong for state employees, she wanted to make a statement there. She knew all the circumstances around the things we requested. The things we got in the budget, that I had been working on with Senator Nelson, who by the way, was very tough at that point in time, and still is. Freudian slip there. But you know you can't imagine the pressure at that point in time. The House was having a huge press conference with all the Democrats saying that this is a terrible idea, and she knew exactly what we had built and she has the character to have the toughness to stand with me in a very, very tough and difficult time. And, you know, it's easy to be friendly and nice and support people when it's easy, but when it's really hard, and she still did it. I knew that you have a toughness that I had never seen before in that way, and I just wanted to appreciate that. I also wanted to say a word about Brenda. She's had needles and thread to sew me up when I've been falling apart. She's had things to get the balls off my coat when they look bad. She's got stains out of my shirt. I think, I'm trying to think what other parts of my wardrobe you've helped work on, Band-Aids, all sorts of things. She's really helped. Really is the mom who helps take care of all of us around here. Senator Fraser, the wisdom you had in picking her, I think was also excellent. But I just wanted to mention that one point about how tough Senator Karen Fraser is. Thank you."

## PERSONAL PRIVILEGE

Senator Hobbs: "Well you know I kind of wish we did run a resolution of some kind. I've known Karen for ten years, since I first got in here, and I'm really excited I'm going to get to know her more after session. Really excited about that. But one thing I do want to mention, is that she is the example of what public service is. The fact that you went to the Evans School, my alum, your alum, I believe Senator Rolfes went there as well, and after that I believe you were on the city council, worked for the county, and now for the state. And you've always been there for the state employees, one hundred percent protecting them, the hard working men and women that run our state. I'm also just impressed with you, the fact that your kindness, even though we may not always agree, and there are certain times that we have disagreed on things, you've never said ill will or said anything hateful. I like the fact that, since I've been in here, before ten years I don't know who you were, but I understand you never threw a bomb where you were gavelled down at any time. It's always nice to see that sometimes. I also want to thank you too. You may not realize this, but you were the capital chair at one point, when I came in here on Ways & Means, and you really helped my constituents out. I really needed for the city of Lake Stevens, a senior center. It was run down. It was leaking. Water was everywhere, and we just couldn't have the funds to help these senior citizens have a place to meet and have some fellowship, and you were there for me trying to push that, and we got that, and I thank you. And your leadership as our caucus chair, always listening to us gripe and complain. Appreciate that as well. And we had a great time going to Japan on that trade mission, a wonderful, wonderful time. And you're definitely a wonder woman, and thank you for everything."

## PERSONAL PRIVILEGE

Senator Keiser: "One of the things I've found is we get mixed

up. Can you believe it? Some people think I'm Senator Fraser, and some people think she's Senator Keiser. Sometimes I get her mail. Sometimes she gets my mail. I've really enjoyed impersonating Senator Fraser because everybody loves Senator Fraser. So it's a great and wonderful honor to be able to have this sort of doppelganger effect with Senator Fraser as we go out and about to our meetings and to our many, many events. Sometimes, during campaign seasons, we've even gotten each other's checks! It's the strangest phenomenon and I'm going to miss it terribly. Senator Fraser you have been kind and helpful to me ever since I came to the Senate and you've been a mentor to me. I will miss you and one of these days on TVW we're going to perform that song, Sisters, sisters. Thank you, Mr. President."

## PERSONAL PRIVILEGE

Senator Fraser: "Well first of all this is totally unexpected. Thank you all for your wonderful feedback on my efforts here over the years. I feel very connected with each of you. I really believe in the democratic process and I appreciate everybody here who works so hard to represent your districts and your philosophies and your people, and that's what makes our legislature great. And I feel so honored and privileged to know each of you and be able to call each of you a friend. And some of you I've had more strenuous relationships than others, some of the budget issues and water issues and state employee issues certainly have been part of the strenuous life. And actually I was thinking about how my high school was named after President Roosevelt and the slogan we all grew up with there was: 'I believe in the strenuous life.' And we certainly do have one here and it is most stimulating. Now, Senator Rolfes has left the floor. Oh there she is, but there's a reason she's our leader on the floor, she's so strategic. I had no idea that her intern was interviewing me for anything other than an educational project. But it really has been an honor and privilege to represent the people of the Twenty-second District over the years, and yes that has been my highest priority to represent my constituents, but also to look out for people all over the state. And one thing I've particularly appreciated about representing the state capitol area, is because there's so many state employees in my district, and statewide organizations, that people want me to look out for the whole state. And so I've felt extra privileged that way, and so I think it's probably getting close to time for dinner and a few other bills, but I feel very connected with the caucus. I'm still having a hard time realizing that I'm leaving and this is the last of this and the last of that, so I do spend a lot of time in caucus completely focusing on what everyone is saying and doing so that will be a change. There's so much I could say. I've appreciated working with Senator Parlette, cooperating well on our inter-caucus relationships. Since I have just a couple of minutes here I wanted to say thank you to all the staff of the Senate, who are fabulous people and I refer to others about them as the brain trust of the Senate who help us do our good work. And so I've appreciated so many relationships and they are going to continue. And I thank all of you for your kind and generous comments, and I look forward to getting back to each of you, but the day is going along, so we probably need to go along. But before I sit down, I do want to say a special thank you to my special, long-time Executive Assistant Brenda Fitzsimmons who is here. Maybe you could come out and smile. We've been together twenty-eight years, so that's a generation. So thank you so much for your fabulous support. And Michelle Burkheimer also works in our office. So thank you for all that you have done for me and for other members of the Senate here. And I see other Senate

staff here from committee services and caucus staff and security and rostrum staff, and you, Mr. President, have always been exceptionally gracious in how, in our relationship and with the entire Senate, and we're kind of going out together here. So thank you very much and I look forward to visiting more. Thank you."

#### MOTION

On motion of Senator Fain, and without objection, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 8, 2016

#### MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2877 and asks the Senate to recede therefrom.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator O'Ban moved that the Senate recede from its position on Second Substitute House Bill No. 2877 and pass the bill without the Senate amendment(s).

The President declared the question before the Senate to be motion by Senator O'Ban that the Senate recede from its position on Second Substitute House Bill No. 2877 and pass the bill without Senate amendment(s).

The motion by Senator O'Ban carried and the Senate receded from its position on Second Substitute House Bill No. 2877 and passed the bill without the Senate amendment(s) by voice vote.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2877 without the Senate amendment(s).

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2877, without the Senate amendment(s), and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Danel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Absent: Senator Baumgartner

SECOND SUBSTITUTE HOUSE BILL NO. 2877, without the Senate amendment(s), 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.

#### PERSONAL PRIVILEGE

Senator Honeyford: "Well thank you, Mr. President. Many of us will remember Mike Tracy who has worked for PSE for

thirty plus years as a lobbyist. I've received word that he is in the ICU and not expected to live, and so I would ask for a moment of silence so we could offer prayers for he and his family."

The Senate rose in recognition of Mr. Mike Tracy's ill health.

#### MESSAGE FROM THE HOUSE

March 7, 2016

#### MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928 and asks the Senate to recede therefrom.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Pearson moved that the Senate recede from its position on the Senate amendments to House Bill No. 2928.

The President declared the question before the Senate to be the motion by Senator Pearson that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2928.

The motion by Senator Pearson carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2928.

#### MOTION

On motion of Senator Fain, the rules were suspended and Engrossed Substitute House Bill No. 2928 was returned to second reading for the purposes of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, by Representatives Kretz, Blake, Schmick, Dunshee, Short, Haler, Stanford and Chandler

Ensuring that restrictions on outdoor burning for air quality reasons do not impede measures necessary to ensure forest resiliency to catastrophic fires.

The measure was read the second time.

#### MOTION

Senator Warnick moved that the following striking amendment no. 740 by Senators Warnick, Pearson and Ranker be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of natural resources shall conduct a forest resiliency burning pilot project. The goal of the pilot project is to monitor and evaluate the benefits of forest resiliency burning and the impacts on ambient air quality. The department of natural resources is responsible for establishing the processes and procedures necessary to administer the pilot project, including the review and approval of qualifying forest resiliency burning proposals. The department of natural resources may consider forest resiliency burning proposals that include treatments to reduce fuel loads prior to burning, including the thinning of forest stands and grazing to clear brush.

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(2)(a) The department of natural resources must, as the primary focus of the pilot project, arrange with interested third parties to perform forest resiliency burning on land prone to forest or wildland fires in coordination with the following forest health collaboratives as recognized by the United States forest service:

- (i) North Central Washington forest health collaborative;
- (ii) Northeast Washington forestry collaborative; and
- (iii) Tapash sustainable forest collaborative.

(b) The department of natural resources must also coordinate with at least one organized group of public agencies and interested stakeholders whose purpose is to protect, conserve, and expand the safe and responsible use of prescribed fire on the Washington landscape.

(3)(a) The department of natural resources must, as part of the pilot project, approve single day or multiple day forest resiliency burns if the burning is unlikely to significantly contribute to an exceedance of air quality standards established by chapter 70.94 RCW. Once approved, forest resiliency burns spanning multiple days may only be revoked or postponed midway through the duration of the approved burn if necessary for the safety of adjacent property or upon a determination by the department of natural resources or the department of ecology that the burn has significantly contributed to an exceedance of air quality standards under chapter 70.94 RCW.

(b) The department of natural resources must approve burns at least twenty-four hours prior to ignition of the fire.

(4) Forest resiliency burning, when conducted under the pilot project authorized by this section, is not subject to the outdoor burning restrictions in RCW 70.94.6512(2) and 70.94.6514.

(5) The implementation of the pilot project authorized in this section is not:

(a) Intended to require the department of natural resources to update the smoke management plan defined in RCW 70.94.6536. However, information obtained through the pilot project's implementation may be used to inform any future updates to the smoke management plan; and

(b) Subject to the provisions of chapter 43.21C RCW.

(6) Forest resiliency burning, and the implementation of the pilot project authorized in this section, must not be conducted at a scale that would require a revision to the state implementation plan under the federal clean air act.

(7) The department of natural resources shall submit a report to the legislature, consistent with RCW 43.01.036, by December 1, 2018. The report must include information and analyses regarding the following elements:

(a) The amount of forest resiliency burns proposed, approved, and conducted;

(b) The quantity and severity of air quality exceedances by pollutant type;

(c) A comparative analysis between the predicted smoke conditions and the actual smoke conditions observed on location by qualified meteorological personnel or trained prescribed burning professionals during the forest resiliency burn; and

(d) Recommendations relating to continuing or expanding forest resiliency burning and creating forest resiliency burning as a new type of outdoor burning permitted by the department of natural resources.

(8) The report to the legislature required by this section may include recommendations for the updating of the smoke management plan defined in RCW 70.94.6536.

(9) For the purposes of this section, "forest resiliency burning" means silvicultural burning carried out under the supervision of qualified silvicultural, ecological, or fire management professionals and used to improve fire dependent ecosystems, mitigate wildfire potential, decrease forest susceptibility to forest

insect or disease as defined in RCW 76.06.020, or otherwise enhance forest resiliency to fire.

(10) This section expires July 1, 2019.

NEW SECTION. Sec. 2. 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 "fires;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

Senators Warnick and Jayapal spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking amendment no. 740 by Senators Warnick, Pearson and Ranker to Engrossed Substitute House Bill No. 2928.

The motion by Senator Warnick carried and striking amendment no. 740 was adopted by voice vote.

#### MOTION

On motion of Senator Pearson, the rules were suspended, Engrossed Substitute House Bill No. 2928, 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 Pearson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2928 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2928, 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, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, 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.

#### MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908 and asks the Senate to recede therefrom.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Padden moved that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2908.

The President declared the question before the Senate to be motion by Senator Padden that the Senate recede from its position on the Senate amendments to Engrossed Substitute House Bill No. 2908.

The motion by Senator Padden carried and the Senate receded from its amendments to Engrossed Substitute House Bill No. 2908.

#### MOTION

On motion of Senator Padden, the rules were suspended and Engrossed Substitute House Bill No. 2908 was returned to second reading for the purposes of amendment.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908, by House Committee on Public Safety (originally sponsored by Representatives Ryu, Ortiz-Self, Walkinshaw, Stanford and Santos)

Establishing the joint legislative task force on community policing standards for a safer Washington. Revised for 1st Substitute: Establishing the joint legislative task force on the use of deadly force in community policing.

The measure was read the second time.

#### MOTION

Senator Padden moved that the following striking amendment no. 752 by Senators Padden and Pedersen be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the invaluable contributions of law enforcement officers, who risk their own lives every day to protect our families and communities. We hold law enforcement to a high standard in their positions of public trust and as the guardians in our communities, and the legislature applauds their efforts to show respect and compassion to all citizens while holding individuals accountable for their criminal activity.

The legislature acknowledges that officers are often placed in harm's way and must make decisions quickly while under extreme stress. Although regrettable in every case, the use of deadly force may sometimes be necessary to protect the safety of others. The legislature also recognizes that both the people of this state and law enforcement officers themselves rely on and expect accountability, the failure of which damages the public trust in those who serve the public honorably and with compassion.

It is the intent of the legislature to improve our law in a manner that provides clear guidance to law enforcement, respects and supports the role of law enforcement to maintain public safety, and fosters accountability and public trust.

NEW SECTION. Sec. 2. (1) A joint legislative task force on the use of deadly force in community policing is established.

(2) The task force is composed of members as provided in this subsection.

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

(b) The speaker of the house of representatives shall appoint

one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint:

(i) Members representing the following:

(A) Washington association of sheriffs and police chiefs;

(B) Washington state patrol;

(C) Washington council of police and sheriffs;

(D) Criminal justice training commission;

(E) Washington association of prosecuting attorneys;

(F) Washington association of criminal defense lawyers, public defender association, or the Washington defender association;

(G) Washington state association of counties;

(H) Association of Washington cities;

(I) National association for the advancement of colored people or its designee;

(J) Northwest immigration rights project;

(K) Black alliance of Thurston county;

(L) Disability rights Washington;

(M) Latino civic alliance;

(N) COMPAS (council of metropolitan police and sheriffs);

(O) Washington state fraternal order of police;

(P) One other association, community organization, advocacy group, or faith-based organization with experience or interest in community policing; and

(Q) One other association representing law enforcement officers who represent traditionally underrepresented communities; and

(ii) A member representing a liberty organization.

(d) The governor shall appoint four members representing the following:

(i) Washington state commission on Hispanic affairs;

(ii) Washington state commission on Asian Pacific American affairs;

(iii) Washington state commission on African-American affairs; and

(iv) Governor's office of Indian affairs.

(3) The task force shall:

(a) Review laws, practices, and training programs regarding the use of deadly force in Washington state and other states;

(b) Review current policies, practices, and tools used by or otherwise available to law enforcement as an alternative to lethal uses of force, including tasers and other nonlethal weapons; and

(c) Recommend best practices to reduce the number of violent interactions between law enforcement officers and members of the public.

(4) The task force may review literature and reports on the use of deadly force, and may consult with persons, organizations, and entities with interest or experience in community policing including, but not limited to, law enforcement, local governments, professional associations, community organizations, advocacy groups, and faith-based organizations.

(5) The legislative membership shall convene the initial meeting of the task force no later than July 1, 2016. The task force shall convene at least four meetings in 2016. The task force shall choose its cochairs from among its legislative membership, which must include one representative from the house of representatives and one senator from the senate.

(6) The task force shall submit a report, which may include findings and recommendations, to the governor and the appropriate committees of the legislature by December 1, 2016. A minority report must be submitted along with the task force's report if requested by any member of the task force.

(7) Staff support for the task force shall be provided by the senate committee services and the house office of program

research.

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

(9) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(10) This section expires December 31, 2016."

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

Senator Padden spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the striking amendment no. 752 by Senators Padden and Pedersen to Engrossed Substitute House Bill No. 2908.

The motion by Senator Padden carried and striking amendment no. 752 was adopted by voice vote.

MOTION

On motion of Senator Padden, the rules were suspended, Engrossed Substitute House Bill No. 2908, 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 Padden 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. 2908, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2908, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dansel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Jayapal, Keiser, King, Liias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Baumgartner, Honeyford and Parlette

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908, 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.

STATEMENT FOR THE JOURNAL

It was my intention to vote yes on Engrossed Substitute House Bill 2908, police/deadly force and I mistakenly voted no. I was distracted with negotiations off the Senate floor for the final day of regular session.

SENATOR PARLETTE, 12th Legislative District

MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to HOUSE BILL NO. 2929 and asks the Senate to recede therefrom.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate recede from its position on the Senate amendments to House Bill No. 2929.

The President declared the question before the Senate to be motion by Senator O'Ban that the Senate recede from its position on the Senate amendments to House Bill No. 2929.

The motion by Senator O'Ban carried and the Senate receded from its amendments to House Bill No. 2929.

MOTION

On motion of Senator O'Ban, the rules were suspended and House Bill No. 2929 was returned to second reading for the purposes of amendment.

SECOND READING

HOUSE BILL NO. 2929, by Representatives Parker, Ormsby and Pollet

Concerning temporary homeless housing by religious organizations.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following amendment no. 751 by Senators O'Ban and Darneille be adopted:

On page 2, line 19, after "fees" insert "on a religious organization"

On page 2, line 22, after "buildings" insert "owned and operated by a religious organization"

On page 2, line 24, after "construction" insert "and are being used for housing the homeless no longer than thirty continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 3, line 15, after "fees" insert "on a religious organization"

On page 3, line 18, after "buildings" insert "owned and operated by a religious organization"

On page 3, line 20, after "construction" insert "and are being used for housing the homeless no longer than thirty continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 4, line 11, after "fees" insert "on a religious

organization"

On page 4, line 14, after "buildings" insert "owned and operated by a religious organization"

On page 4, line 16, after "construction" insert "and are being used for housing the homeless no longer than thirty continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 4, after line 27, insert the following:

"NEW SECTION. Sec. 6. The chair and ranking member of the house of representatives local government committee must convene a meeting of stakeholders impacted by the changes made in this act to assess the effectiveness of the provisions of this act no later than November 15, 2017."

On page 1, line 3 of the title, after "19.27 RCW;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and creating a new section."

The President declared the question before the Senate to be the adoption of amendment no. 751 by Senators O'Ban and Darneille to House Bill No. 2929.

The motion by Senator O'Ban carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator O'Ban, the rules were suspended, House Bill No. 2929, 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 O'Ban 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. 2929, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2929, 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, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Dassel, Darneille, Ericksen, Fain, Fraser, Frockt, Habib, Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

HOUSE BILL NO. 2929, 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.

#### MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2449 and asks the Senate to recede therefrom.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator O'Ban moved that the Senate recede from its position on the Senate amendments to Second Substitute House Bill No. 2449.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator O'Ban that the Senate recede from its position on the Senate amendments to Second Substitute House Bill No. 2449.

The motion by Senator O'Ban carried and the Senate receded from its amendments to Second Substitute House Bill No. 2449.

#### MOTION

On motion of Senator O'Ban, the rules were suspended and Second Substitute House Bill No. 2449 was returned to second reading for the purposes of amendment.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2449, by House Committee on Appropriations (originally sponsored by Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso, Goodman, Jinkins, Walkinshaw, Stanford, Clibborn, Sells, Fitzgibbon, Kilduff, Ryu, Bergquist, Pollet and S. Hunt)

Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.

The measure was read the second time.

#### MOTION

Senator Hargrove moved that the following striking amendment no. 750 by Senators Hargrove, Darneille and O'Ban be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that all children and youth in Washington state are entitled to a basic education and to an equal opportunity to learn. The legislature recognizes that poor school attendance can have far-reaching effects on academic performance and achievement, development of social skills and school engagement, dropout rates, and even college completion rates, and that these effects occur regardless of whether excessive absenteeism is considered excused or unexcused or the specific reason or reasons for the absences. The legislature recognizes that there are many causes of truancy and that truancy is an indicator of future school dropout and delinquent behavior. The legislature recognizes that early engagement of parents in the education process is an important measure in preventing truancy. It is the intent of the legislature to encourage the systematic identification of truant behavior as early as possible and to encourage the use of best practices and evidence-based interventions to reduce truant behavior in every school in Washington state. The legislature intends that schools, parents, juvenile courts, and communities share resources within and across school districts where possible to enhance the availability of best practices and evidence-based intervention for truant children and youth.

By taking a four-pronged approach and providing additional tools to schools, courts, communities, and families, the legislature



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hopes to reduce excessive absenteeism, strengthen families, engage communities and families with schools, promote academic achievement, reduce educational opportunity gaps, reduce juvenile delinquency, address juveniles' emotional, mental health, and chemical dependency needs, and increase high school graduation rates.

First, with respect to absenteeism in general, the legislature intends to put in place consistent practices and procedures, beginning in kindergarten, pursuant to which schools share information with families about the importance of consistent attendance and the consequences of excessive absences, involve families early, and provide families with information, services, and tools that they may access to improve and maintain their children's school attendance.

Second, the legislature recognizes the success that has been had by school districts and county juvenile courts around the state that have worked in tandem with one another to establish truancy boards capable of prevention and intervention and that regularly stay truancy petitions in order to first allow these boards to identify barriers to school attendance, cooperatively solve problems, and connect students and their families with needed community-based services. While keeping petition filing requirements in place, the legislature intends to require an initial stay of truancy petitions in order to allow for appropriate intervention and prevention before using a court order to enforce attendance laws. The legislature also intends to encourage efforts by county juvenile courts and school districts to establish and maintain community truancy boards and to employ other best practices, including the provision of training for board members and other school and court personnel on trauma-informed approaches to discipline, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families.

Third, the legislature recognizes that there are instances in which barriers to school attendance that have led to truancy may be best addressed by juvenile courts, which may refer truant students to a crisis residential center or HOPE center for the provision of services. The legislature further recognizes that even when a truant student is found in contempt of a court order to attend school, it is best practice that the truant student not be placed in juvenile detention but, where feasible and available, instead be placed in a secure crisis residential center. The legislature intends to increase the number of beds in HOPE centers and crisis residential centers in order to facilitate their use for truant students.

Fourth, the legislature recognizes that some problematic behaviors that are predictive of truancy and delinquency may be best addressed by appropriate screenings and, where appropriate, temporary provision of home services. The legislature intends to strengthen the juvenile court's ability to seek a chemical dependency or mental health assessment for a child subject to a truancy petition, if the court finds that such an assessment might help to reengage a child in school. The legislature further finds that where family conflict exists or a juvenile's health or safety is in jeopardy due to circumstances in the child's home, referral to a crisis residential center might be appropriate to help achieve family reconciliation.

Sec. 2. RCW 28A.225.005 and 2009 c 556 s 5 are each amended to read as follows:

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused,

on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information ((at least annually.)) before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.225 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

Sec. 4. RCW 28A.225.020 and 2009 c 266 s 1 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's ((custodial)) parent((, parents, or guardian)) by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the ((custodial)) parent((, parents, or guardian)) is not fluent in English, the ((preferred practice is to)) school must make reasonable efforts to provide this information in a language in which the ((custodial)) parent((, parents, or

guardian)) is fluent;

(b) Schedule a conference or conferences with the ((custodial)) parent((, parents, or guardian)) and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take data-informed steps to eliminate or reduce the child's absences. These steps shall include application of the Washington assessment of the risks and needs of students (WARNS) by a school district's designee under section 6 of this act, and where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, ((if available,)) requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005.

Sec. 5. RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. ((Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board.)) All members of a community truancy board must receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in

supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving ((school)) attendance such as ((assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or)) connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be referred to a HOPE center or crisis residential center.

(2) The legislature finds that utilization of community truancy boards((, or other diversion units that fulfill a similar function,)) is the preferred means of intervention when preliminary methods ((of notice and parent conferences and taking appropriate steps)) to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards ((and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court)). Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

NEW SECTION. Sec. 6. A new section is added to chapter 28A.225 RCW to read as follows:

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding.

(3) A school district with fewer than two hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training. School districts with fewer than two hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to section 3 of this act; entering into a memorandum of

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understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

Sec. 7. RCW 28A.225.030 and 2012 c 157 s 1 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document signed by the parent and child, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board((, if available,)) as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 8. RCW 28A.225.035 and 2012 c 157 s 2 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth ((whether)) the languages in which the child and parent are fluent ((in English)), whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, ((the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court)) it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under section 6 of this act. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community truancy board or other coordinated means of intervention is not in place as required by section 6 of this act, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) ((If)) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court ((for a hearing)). The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of

community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, ((the preferred practice is for)) notice ((to)) should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

Sec. 9. RCW 28A.225.090 and 2009 c 266 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, ((including suspensions)) which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) ((Be referred to a community truancy board, if available; or

(e)) Submit to ((testing for the use of controlled substances or alcohol based on a determination that such testing)) a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the ((drug)) substance abuse assessment at no expense to the school;

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law; or

(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW

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28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 10. RCW 43.185C.315 and 2015 c 69 s 22 are each amended to read as follows:

(1) The department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

((1)) (a) A license issued by the department of social and health services;

((2)) (b) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

((a)) (i) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

((b)) (ii) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

((c)) (iii) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

((d)) (iv) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

((e)) (v) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

((f)) (vi) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

((3)) (c) Staff trained in development needs of street youth as determined by the department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

((4)) (d) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department;

((5)) (e) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary of the department of social and health services if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

((6)) (f) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency

action and the parent should receive notice from the department of social and health services; and

((7)) (g) Services that provide counseling and education to the street youth(, and).

((8)) (2) The department shall award contracts for the operation of HOPE center beds with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by secure and semi-secure crisis residential centers.

(3) Subject to funds appropriated for this purpose, the department must incrementally increase the number of available HOPE beds by at least seventeen beds in fiscal year 2017, at least seventeen beds in fiscal year 2018, and at least seventeen beds in fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds are established and operated throughout the state as set forth in subsection (1) of this section.

(4) Subject to funds appropriated for this purpose, the beds available in HOPE centers shall be increased incrementally beyond the limit of seventy-five set forth in subsection (1) of this section. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that HOPE beds are available across the state. In determining the need for increased numbers of HOPE beds in a particular county or counties, one of the considerations should be the volume of truancy petitions filed there.

Sec. 11. RCW 43.185C.320 and 2015 c 69 s 23 are each amended to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior, including truancy. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department; however, approval from the department of social and health services is needed if the youth is dependent under chapter 13.34 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 43.185C RCW to read as follows:

Subject to funds appropriated for this purpose, the capacity available in crisis residential centers established pursuant to this chapter shall be increased incrementally by no fewer than ten beds per fiscal year through fiscal year 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated to expand the use of crisis residential centers as set forth in this chapter so they are available for use by all courts for housing truant youth.

Sec. 13. RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students:

(a) In grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy; and

(b) For whom a conference is required under section 3 of this act or who are the subject of a petition under RCW 28A.225.035 to increase regular school attendance and eliminate truancy.

(3) For purposes of this chapter, "disruptive behaviors in the

classroom" includes excessive absenteeism and truancy.

Sec. 14. RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:

(1) Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.

(2) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; ((and))

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The office of the superintendent of public instruction must approve any community-based organization or local agency before learning assistance funds may be expended; and

(h) Up to two percent of a district's learning assistance program allocation may be used to fund school efforts to address excessive absenteeism and truancy as described in section 3 of this act and RCW 28A.225.025.

(3) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(4)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (3) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state

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menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(5) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

Sec. 15. RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each amended to read as follows:

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) A community truancy board or other coordinated means of intervention as provided in section 6 of this act is considered a best practice under this section.

(c) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school

districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students.

NEW SECTION. Sec. 16. The office of the superintendent of public instruction shall develop recommendations as to how mandatory school attendance and truancy amelioration provisions under chapter 28A.225 RCW should be applied to online schools and report back to the relevant committees of the legislature by November 1, 2016.

NEW SECTION. Sec. 17. A new section is added to chapter 43.330 RCW to read as follows:

(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter . . . , Laws of 2016 (this act). An initial report scoping of the methodology to be used to review chapter . . . , Laws of 2016 (this act) shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.

NEW SECTION. Sec. 18. (1) The educational opportunity gap oversight and accountability committee shall conduct a review and make recommendations to the appropriate committees of the legislature with respect to:

(a) The cultural competence training that community truancy board members, as well as others involved in the truancy process, should receive;

(b) Best practices for supporting and facilitating parent and community involvement and outreach; and

(c) The cultural relevance of the assessments employed to identify barriers to attendance and the treatments and tools provided to children and their families.

(2) By June 30, 2017, a preliminary review shall be completed and preliminary recommendations provided. The review shall be completed, and a report and final recommendations provided, by December 1, 2017.

(3) For the purposes of this section, "cultural competence" includes knowledge of children's cultural histories and contexts,

as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction and treatment to children's experiences and identifying cultural contexts for individual children.

(4) This section expires July 1, 2018.

NEW SECTION. Sec. 19. A new section is added to chapter 2.56 RCW to read as follows:

(1)(a) To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement.

(c) Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition.

NEW SECTION. Sec. 20. A new section is added to chapter 28A.225 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to

supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

NEW SECTION. Sec. 21. Sections 13 through 15 of this act take effect September 1, 2016."

On page 1, line 2 of the title, after "truancy;" strike the remainder of the title and insert "amending RCW 28A.225.005, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, 43.185C.315, 43.185C.320, 28A.165.005, 28A.165.035, and 28A.655.235; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 43.185C RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 2.56 RCW; creating new sections; providing an effective date; and providing an expiration date."

#### MOTION

Senator Hargrove moved that the following amendment no. 755 Senators Hargrove, Darneille and O'Ban to the striking amendment be adopted:

On page 7, line 28 of the amendment, after "understanding." insert "For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer."

The President declared the question before the Senate to be the adoption of amendment no. 755 by Senators Hargrove, Darneille and O'Ban to the striking amendment to Second Substitute House Bill No. 2449.

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

The President declared the question before the Senate to be the adoption of striking amendment no. 750 Senators Hargrove, Darneille and O'Ban to Second Substitute House Bill No. 2449.

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

#### MOTION

On motion of Senator Hargrove, the rules were suspended, Second Substitute House Bill No. 2449, 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 Hargrove spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2449 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2449, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Carlyle, Chase, Cleveland, Conway, Dammeier, Darneille, Fain, Fraser, Frockt, Habib,



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Hargrove, Hasegawa, Hewitt, Hill, Hobbs, Honeyford, Jayapal, Keiser, King, Lias, Litzow, McAuliffe, McCoy, Miloscia, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon, Takko and Warnick

Voting nay: Senators Dansel and Ericksen

SECOND SUBSTITUTE HOUSE BILL NO. 2449, 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.

MESSAGE FROM THE HOUSE

March 8, 2016

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439 and asks the Senate to recede therefrom.

BARBARA BAKER, Chief Clerk

MOTION

Senator O'Ban moved that the Senate recede from its position on the Senate amendments to Engrossed Second Substitute House Bill No. 2439.

Senator O'Ban spoke in favor of the motion.

The President declared the question before the Senate to be motion by Senator O'Ban that the Senate recede from its position on the Senate amendments to Engrossed Second Substitute House Bill No. 2439.

The motion by Senator O'Ban carried and the Senate receded from its amendments to Engrossed Second Substitute House Bill No. 2439.

MOTION

On motion of Senator O'Ban, the rules were suspended and Engrossed Second Substitute House Bill No. 2439 was returned to second reading for the purposes of amendment.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439, by Representatives Kagi, Walsh, Senn, Johnson, Orwall, Dent, McBride, Reykdal, Jinkins, Tharinger, Fey, Tarleton, Stanford, Springer, Frame, Kilduff, Sells, Bergquist and Goodman

Increasing access to adequate and appropriate mental health services for children and youth.

The measure was read the second time.

MOTION

Senator O'Ban moved that the following striking amendment no 753 by Senators O'Ban and Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature understands that adverse childhood experiences, such as family mental health

issues, substance abuse, serious economic hardship, and domestic violence, all increase the likelihood of developmental delays and later health and mental health problems. The legislature further understands that early intervention services for children and families at high risk for adverse childhood experience help build secure parent-child attachment and bonding, which allows young children to thrive and form strong relationships in the future. The legislature finds that early identification and intervention are critical for children exhibiting aggressive or depressive behaviors indicative of early mental health problems. The legislature intends to improve access to adequate, appropriate, and culturally responsive mental health services for children and youth. The legislature further intends to encourage the use of behavioral health therapies and other therapies that are empirically supported or evidence-based and only prescribe medications for children and youth as a last resort.

(2) The legislature finds that nearly half of Washington's children are enrolled in medicaid and have a higher incidence of serious health problems compared to children who have commercial insurance. The legislature recognizes that disparities also exist in the diagnosis and initiation of treatment services for children of color, with studies demonstrating that children of color are diagnosed and begin receiving early interventions at a later age. The legislature finds that within the current system of care, families face barriers to receiving a full range of services for children experiencing behavioral health problems. The legislature intends to identify what network adequacy requirements, if strengthened, would increase access, continuity, and coordination of behavioral health services for children and families. The legislature further intends to encourage managed care plans and behavioral health organizations to contract with the same providers that serve children so families are not required to duplicate mental health screenings, and to recommend provider rates for mental health services to children and youth which will ensure an adequate network and access to quality based care.

(3) The legislature recognizes that early and accurate recognition of behavioral health issues coupled with appropriate and timely intervention enhances health outcomes while minimizing overall expenditures. The legislature intends to assure that annual depression screenings are done consistently with the highly vulnerable medicaid population and that children and families benefit from earlier access to services.

NEW SECTION. Sec. 2. (1) The children's mental health work group is established to identify barriers to accessing mental health services for children and families, and to advise the legislature on statewide mental health services for this population.

(2)(a) The work group shall include diverse, statewide representation from the public and nonprofit and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(b) The work group shall consist of not more than twenty-five members, as follows:

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

(ii) The speaker of the house of representatives shall appoint one member and one alternative member from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint at least one representative from each of the following: The department of early learning, the department of social and health services, the health care authority, the department of health, and a representative of the governor.

(iv) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public

instruction.

(v) The governor shall request participation by a representative of tribal governments.

(vi) The governor shall appoint one representative from each of the following: Behavioral health organizations, community mental health agencies, medicaid managed care organizations, pediatricians or primary care providers, providers that specialize in early childhood mental health, child health advocacy groups, early learning and child care providers, the managed health care plan for foster children, the evidence-based practice institute, parents or caregivers who have been a recipient of early childhood mental health services, and foster parents.

(c) The work group shall seek input and participation from stakeholders interested in the improvement of statewide mental health services for children and families.

(d) The work group shall choose two cochairs, one from among its legislative membership and one representative of a state agency. The representative from the health care authority shall convene the initial meeting of the work group.

(3) The children's mental health work group shall review the barriers that exist to identifying and treating mental health issues in children with a particular focus on birth to five and report to the appropriate committees of the legislature. At a minimum the work group must:

(a) Review and recommend developmentally, culturally, and linguistically appropriate assessment tools and diagnostic approaches that managed care plans and behavioral health organizations should use as the mechanism to establish eligibility for services;

(b) Identify and review billing issues related to serving the parent or caregiver in a treatment dyad and the billing issues related to services that are appropriate for serving children, including children birth to five;

(c) Evaluate and identify barriers to billing and payment for behavioral health services provided within primary care settings in an effort to promote and increase the use of behavioral health professionals within primary care settings;

(d) Review workforce issues related to serving children and families, including issues specifically related to birth to five;

(e) Recommend strategies for increasing workforce diversity and the number of professionals qualified to provide children's mental health services;

(f) Review and make recommendations on the development and adoption of standards for training and endorsement of professionals to become qualified to provide mental health services to children birth to five and their parents or caregivers;

(g) Analyze, in consultation with the department of early learning, the health care authority, and the department of social and health services, existing and potential mental health supports for child care providers to reduce expulsions of children in child care and preschool; and

(h) Identify outreach strategies that will successfully disseminate information to parents, providers, schools, and other individuals who work with children and youth on the mental health services offered through the health care plans, including referrals to parenting programs, community providers, and behavioral health organizations.

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

(5) The expenses of the work group must be paid jointly by the senate and the house of representatives. Work group expenditures

are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The work group shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2016.

(7) Staff support for the committee must be provided by the house of representatives office of program research, the senate committee services, and the office of financial management.

(8) This section expires December 1, 2017.

NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

To better assure and understand issues related to network adequacy and access to services, the authority and the department shall report to the appropriate committees of the legislature by December 1, 2017, and annually thereafter, on the status of access to behavioral health services for children birth through age seventeen using data collected pursuant to RCW 70.320.050. At a minimum, the report must include the following components broken down by age, gender, and race and ethnicity:

(1) The percentage of discharges for patients ages six through seventeen who had a visit to the emergency room with a primary diagnosis of mental health or alcohol or other drug dependence during the measuring year and who had a follow-up visit with any provider with a corresponding primary diagnosis of mental health or alcohol or other drug dependence within thirty days of discharge;

(2) The percentage of health plan members with an identified mental health need who received mental health services during the reporting period; and

(3) The percentage of children served by behavioral health organizations, including the types of services provided.

NEW SECTION. Sec. 4. (1)(a) Subject to appropriation, health care authority shall expand the partnership access line service by selecting a rural inclusive region of the state to offer an additional level of child mental health care support services for primary care, to be referred to as the PAL plus pilot program.

(b) For purposes of the PAL plus pilot program, the health care authority shall work in collaboration with faculty from the University of Washington working on the integration of mental health and medical care.

(2)(a) The PAL plus service is targeted to help children and families with medicaid coverage who have mental health concerns not already being served by the regional support network system or other local specialty care providers, and who instead receive treatment from their primary care providers. Services must be offered by regionally based and multipractice shared mental health service providers who deliver in person and over the telephone the following services upon primary care request:

(i) Evaluation and diagnostic support;

(ii) Individual patient care progress tracking;

(iii) Behavior management coaching; and

(iv) Other evidence supported psychosocial care supports which are delivered as an early and easily accessed intervention for families.

(b) The PAL team of child psychiatrists and psychologists shall provide mental health service providers with training and support, weekly care plan reviews and support on their caseloads, direct patient evaluations for selected enhanced assessments, and must utilize a shared electronic reporting and tracking system to ensure that children not improving are identified as such and helped to receive additional services. The PAL team shall promote the appropriate use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based and encourage providers to use psychotropic medications

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as a last resort.

(3)(a) The health care authority shall monitor PAL plus service outcomes, including, but not limited to:

- (i) Characteristics of the population being served;
- (ii) Process measures of service utilization;
- (iii) Behavioral health symptom rating scale outcomes of individuals and aggregate rating scale outcomes of populations of children served;
- (iv) Claims data comparison of implementation versus nonimplementation regions;
- (v) Service referral patterns to local specialty mental health care providers; and
- (vi) Family and provider feedback.

(b) By December 31, 2017, the health care authority shall make a preliminary evaluation of the viability of a statewide PAL plus service program and report to the appropriate committees of the legislature, with a final evaluation report due by December 31, 2018. The final report must include recommendations on sustainability and leveraging funds through behavioral health and managed care organizations.

(4) This section expires December 31, 2019.

NEW SECTION. Sec. 5. (1) The joint legislative audit and review committee shall conduct an inventory of the mental health service models available to students in schools, school districts, and educational service districts and report its findings by October 31, 2016. The report must be submitted to the appropriate committees of the house of representatives and the senate, in accordance with RCW 43.01.036.

(2) The committee must perform the inventory using data that is already collected by schools, school districts, and educational service districts. The committee must not collect or review student-level data and must not include student-level data in the report.

(3) The inventory and report must include information on the following:

- (a) How many students are served by mental health services funded with nonbasic education appropriations in each school, school district, or educational service district;
- (b) How many of these students are participating in medicaid programs;
- (c) How the mental health services are funded, including federal, state, local, and private sources;
- (d) Information on who provides the mental health services, including district employees and contractors; and
- (e) Any other available information related to student access and outcomes.

(4) The duties of this section must be carried out within existing appropriations.

(5) This section expires July 1, 2017.

Sec. 6. RCW 28A.310.500 and 2013 c 197 s 6 are each amended to read as follows:

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for

this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

- (i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;
- (ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;
- (iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;
- (iv) Enhanced community-based linkages of support; and
- (v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention.

NEW SECTION. Sec. 7. If specific funding for the purposes of this act, with the exception of sections 1, 2, and 3 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act, except for sections 1, 2, and 3 of this act, is null and void."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 28A.310.500; adding a new section to chapter 74.09 RCW; creating new sections; and providing expiration dates."

Senators O'Ban and Frockt spoke in favor of adoption of the striking amendment.

#### MOTION

On motion of Senator Fain, further consideration of Engrossed Second Substitute House Bill No. 2439 was deferred and the bill held its place on the second reading calendar.

MOTION

BRAD OWEN, President of the Senate

At 5:55 p.m., on motion of Senator Fain, the Senate adjourned until 11:00 o'clock a.m., Thursday, March 10, 2016.

HUNTER G. GOODMAN, Secretary of the Senate

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